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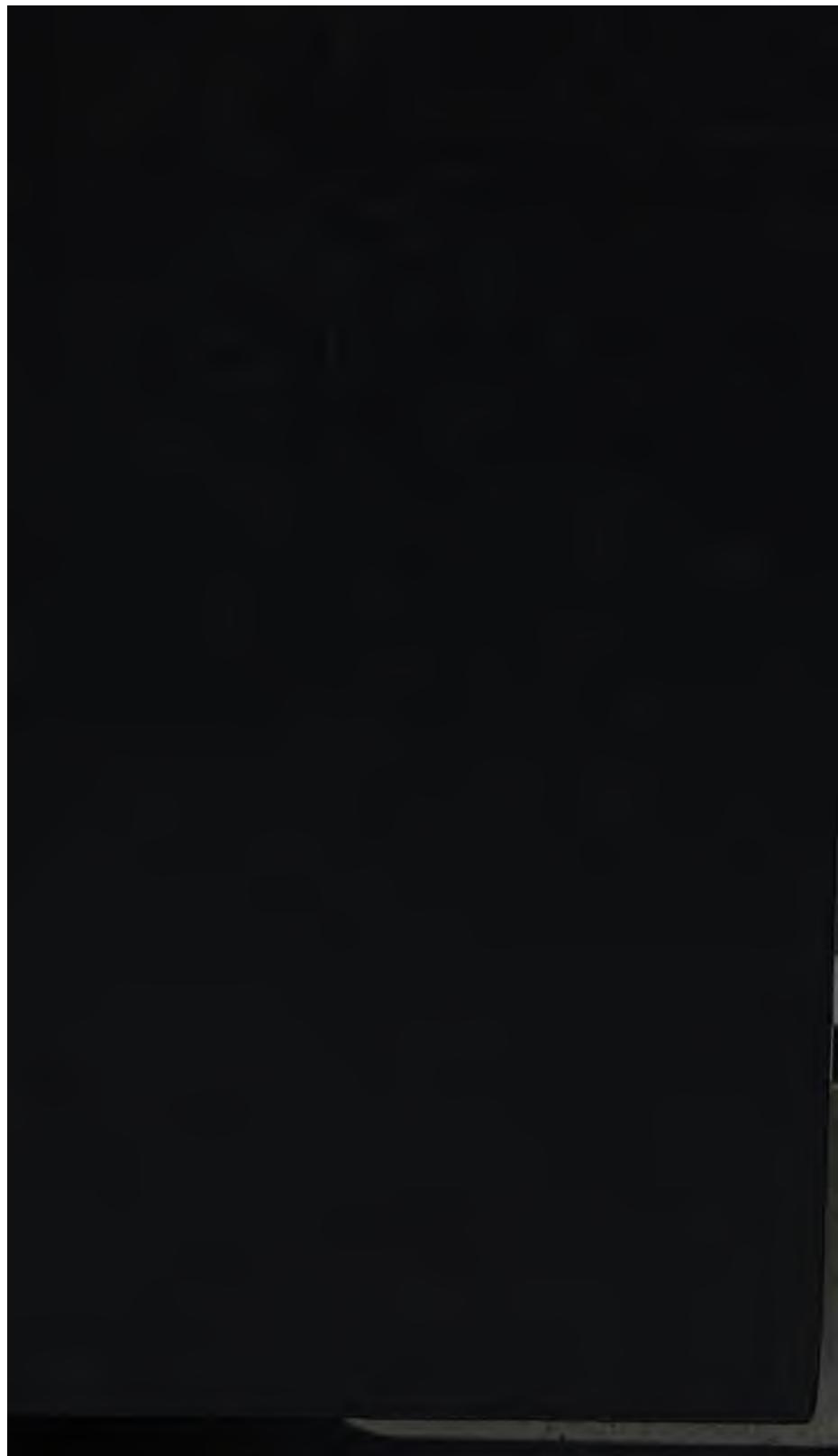
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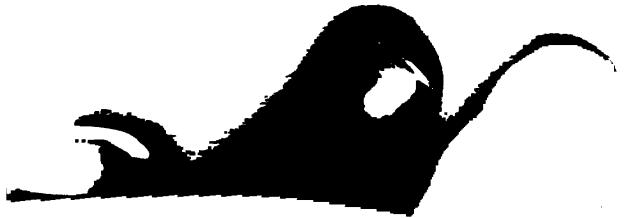
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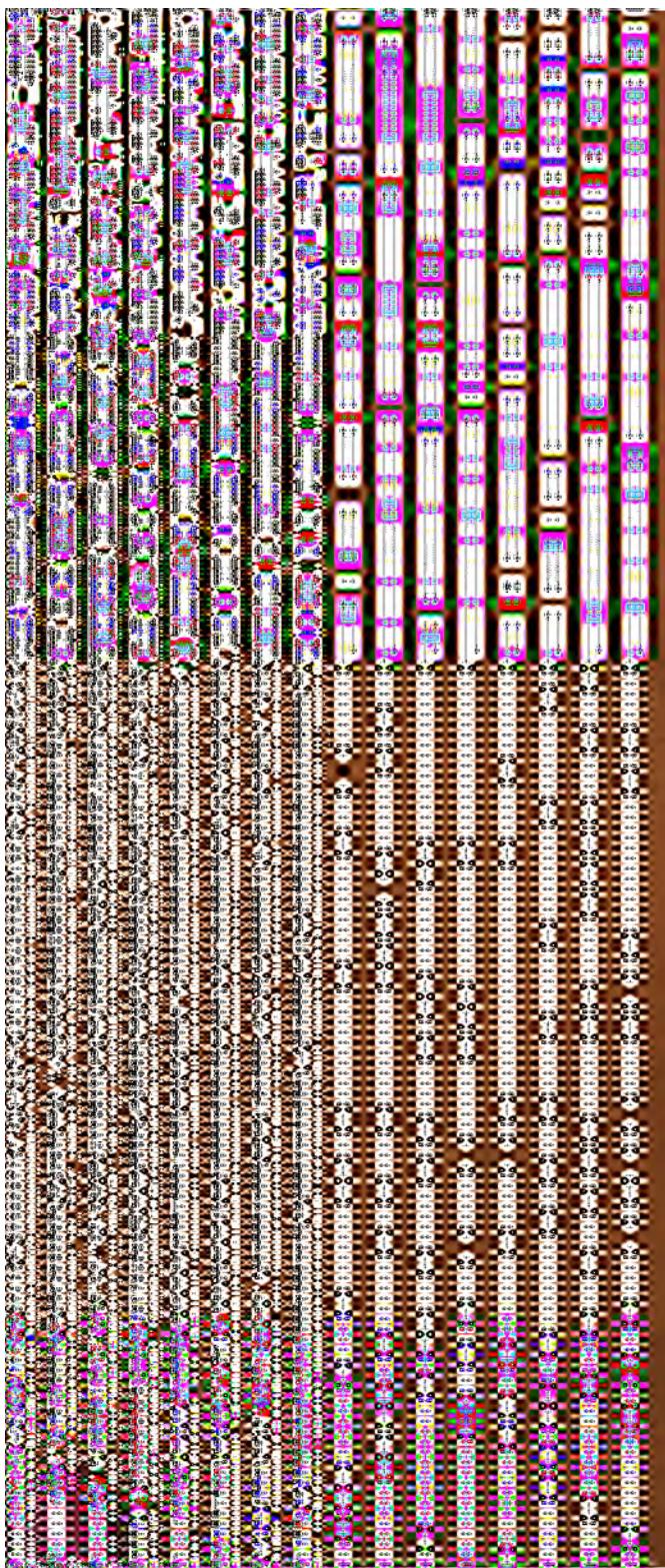


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THE

JOURNAL OF THE SENATE

OF THE

STATE OF VERMONT,

OCTOBER SESSION,

1844.

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# JOURNAL.

THURSDAY, OCTOBER 10, 1844.

AGREEABLY to the provisions of the Constitution, the Senate of the State of Vermont convened at the State House in Montpelier on the second Thursday, being the tenth day, of October, in the year of our Lord one thousand eight hundred and forty-four.

At ten o'clock, A. M., the Senate was called to order by His Honor HORACE EATON, Lieutenant Governor and *ex officio* President of the Senate, when the roll was called by the Secretary, and the following Senators answered to their names:

BENNINGTON COUNTY,	.....	BENJAMIN F. MORGAN, ASAHEL HURD.
WINDHAM COUNTY,	.....	WILLIAM HARRIS, SAMUEL F. THOMPSON, REUBEN WINN.
WINDSOR COUNTY,	.....	JAMES BARRETT, THOMAS T. BARRETT, BENJAMIN BILLINGS, JUSTIN MORGAN.
RUTLAND COUNTY,	.....	EBENEZER N. BRIGGS, FREDERICK BUTTON, JOSEPH H. CHITTENDEN.
ADDISON COUNTY,	.....	DAVIS RICH, ENOCH D. WOODBRIDGE.
ORANGE COUNTY	.....	EBENEZER BASS, LORIN GRISWOLD.
CHITTENDEN COUNTY,	.....	DAVID READ, LUTHER STONE.
WASHINGTON COUNTY,	.....	RODERICK RICHARDSON, JACOB SCOTT.
CALEDONIA COUNTY,	.....	GEORGE C. CAHOON, JOHN PHILLIPS.
FRANKLIN COUNTY,	.....	GEORGE GREEN, JONATHAN H. HUBBARD, ALVAH SABIN.
ORLEANS COUNTY,	.....	DAVID M. CAMP.
LAMOILLE COUNTY,	.....	DAVID P. NOYES.
ESSEX COUNTY,	.....	GEORGE MARSHALL.
GRAND ISLE COUNTY,	.....	HENRY H. REYNOLDS.

The oath of office was thereupon administered to the Senators present, by the Secretary.

**JOURNAL OF THE SENATE,**

Mr Camp introduced the following resolution, which was read and passed:

*Resolved*, That the following be the Rules of the Senate for the year ensuing, to wit:

1. The credentials of Senators shall be presented to the Secretary or Assistant Secretary, previous to nine o'clock in the morning of the second Thursday of October, at which time the Senate shall be called to order. The names of the Senators shall be called over, and when a quorum shall have taken their seats, they shall, having first taken the necessary oaths, on nomination of the President, appoint a canvassing committee, consisting of one Senator from each county, to join such committee as the House of Representatives may appoint, whose duty shall be to receive, sort, and count, the votes for Governor, Lieutenant Governor, and Treasurer, and make report thereof to the joint assembly of both houses.

2. The Senate shall meet every day (Sundays excepted) at nine o'clock in the morning, and two o'clock in the afternoon, unless otherwise specially ordered.

3. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, and all errors therein corrected.

4. In case no quorum shall assemble within fifteen minutes after the time to which the Senate was adjourned, those present shall have power to send the Sergeant-at-Arms, or other officer, after the absentees, and compel their attendance.

5. Whenever the Senate shall assemble, according to adjournment, or at the commencement of a session, and the President shall be absent, it shall be the duty of the Secretary, if present, if not, of a Senator, to call to order; and the Senators present, if a quorum, shall, by ballot, elect a President pro tempore.

6. No Senator shall be absent without leave, unless he is sick, or otherwise necessarily detained.

7. No Senator shall audibly speak to another, or otherwise interrupt the business of the Senate, while the journals or other public papers are being read, or while a Senator is orderly speaking in debate.

8. Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished shall sit down.

9. No member shall speak more than twice on the same question, without leave of the Senate; and Senators who have once spoken shall not again be entitled to the floor, (except for the purpose of explanation,) to the exclusion of another who has not spoken.

10. In all cases, the Senator first arising and addressing the President, (subject to the restriction of rule 9,) shall be entitled to the floor, and when two or more arise at the same time, the President shall name the one who is to speak.

11. When a Senator shall be called to order, he shall sit down, and every question of order shall be decided by the President without debate, subject to an appeal to the Senate.

12. If a Senator be called to order for the words spoken, the exceptionable words shall be immediately taken down in writing by the Senator calling to order, that the President may be better enabled to judge of the matter.

13. The first hour of each morning's sitting may be devoted to the reception and disposal of petitions, memorials, remonstrances, motions,

resolutions, and the introduction of bills; after which, the orders of the day, or other proper business, shall be announced, always commencing with the unfinished business of the last sitting. The first hour of the afternoon's sitting may be occupied in the receiving and disposing of reports of committees, and in completing the business of the morning hour; at the expiration of which, the Senate will again take up the orders of the day.

14. Reports of committees may be signed by any member in behalf of the committee, and shall be by him presented to the Senate, when a call for report is made. The signer of each report shall be held responsible for the accuracy of its statements and the propriety of its language, and when the same shall be under consideration, he shall be further liable to give additional statements of facts, or other explanations, in answer to the call of any Senator.

15. The proceedings of the Senate, except when acting as in Committee of the Whole, embracing the titles of bills, and such parts thereof as may be affected by proposed amendments, and also the names of Senators, and the votes which they give on every question decided by yeas and nays, shall be by the Secretary accurately and concisely inserted in the journals.

16. The Senate shall, annually, within the first four days of actual sitting, elect by ballot, (and a majority of all present shall be necessary to a choice,) a Secretary, and an Assistant Secretary, who shall be *ex officio* Engrossing Clerk, who shall be severally sworn to the faithful discharge of their duties, and shall hold said offices until superseded by a new election. The Senate shall also, within the same time, elect the following Standing Committees, to consist of three members each, to wit: On Finance,—on the Judiciary,—on Claims,—on Education,—on Agriculture,—on Manufactures,—on Elections,—on Military Affairs,—on Roads,—on Banks, and on Land Taxes.

17. In the appointment of Standing Committees, (except the one mentioned in rule 1,) the Senate will proceed by ballot, severally to appoint the chairman of each, and then, by one ballot, the other members necessary to complete the same. In the election of a chairman, a majority of the votes given shall be necessary, but for the others a plurality shall be sufficient. All select committees shall be appointed by the President, unless otherwise ordered by the Senate.

18. All bills, after the second reading, and all petitions, memorials, remonstrances, resolutions, and other papers calling for legislative action, (except such as have been reported by a committee,) no objection being made, shall be referred by the President to appropriate committees.

19. Before any resolution, any petition, or other paper addressed to the Senate, shall be received and read, whether the same shall be introduced by the President or a Senator, the title shall be fairly endorsed thereon; and a brief statement of its object or contents shall be made by the introducer.

20. Every motion shall be reduced to writing by the mover, if required thereto by the President or a Senator, and a motion to lay another motion, the latter not being in writing, on the table, or otherwise to dispose of it, shall not be in order.

21. Every bill shall receive three readings before it is passed; the President shall give notice at each reading whether it be the first, second, or third; the last of which readings of public bills shall be at least twenty-

four hours after the first reading, unless the Senate unanimously direct otherwise. *Provided*, That private bills shall be read the second time by their title. Resolutions requiring the approbation and signature of the Governor, shall be treated in all respects as bills.

22. On the demand of a Senator, public bills, after a second reading, shall be considered by the Senate as in committee of the whole.

23. The final question, upon the second reading of every bill which originated in the Senate, shall be, "Shall this bill be engrossed and read the third time?" No amendment shall be received at the third reading, but it may be committed for amendment at any time before its final passage.

24. Motions on bills and resolutions shall be sustained in the following order: 1. To postpone indefinitely. 2. To lay upon the table. 3. To commit. 4. To amend.

25. A call for the previous question shall not at any time be in order. A motion to adjourn shall always be in order, and shall be decided without debate.

26. If the question in debate contain several points, the same shall be divided on the demand of a Senator. A motion to strike out and insert shall not be divided, but the rejection of a motion to strike out and insert one proposition shall not preclude a motion to strike out and insert a different one, or a motion simply to strike out; nor shall the rejection of a motion simply to strike out, prevent a subsequent one to strike out and insert.

27. In filling blanks the largest sum and the longest time shall be first in order.

28. When the reading of a paper is called for, and the same is objected to by a Senator, the question shall be determined by a vote of the Senate.

29. The yeas and nays shall be taken, on the call of a Senator, and every Senator present shall vote, unless excused by the Senate; but no Senator shall be compelled to vote, who was absent when the question was stated by the President, nor shall any one be permitted to vote, who was absent when his name was called, nor after the decision of the question has been announced from the chair.

30. No Senator in the minority, nor one who did not vote on the decision of a question, shall have a right to move a reconsideration thereof; nor shall any motion for reconsideration be in order, unless made before the close of the next day of actual sitting of the Senate after that in which the vote was taken, and before the bill, resolution, report, amendment, address, or motion, upon which the vote was taken, shall, in the regular progress of business, have gone out of the possession of the Senate.

31. On all questions, in the decision of which a simple majority is required, when the Senate is equally divided, the Secretary shall take the casting vote of the President. In all such cases, a motion for reconsideration, if made in time, shall be in order from any Senator who voted on the question.

32. The President shall have the right to call upon any Senator to discharge the duties of the chair, whenever he shall find it necessary, temporarily, to retire; but such substitution shall not extend beyond more than one adjournment.

33. The Senate, having taken a final vote on any question, the same

shall not again be in order during the same session, in any form whatever, except by way of reconsideration; and when a motion for reconsideration has been decided, that decision shall not be reconsidered.

34. No proposition to amend the rules of the Senate or the joint rules of both houses, shall be acted on, until the same shall have been before the Senate at least twenty-four hours.

35. Messages shall be sent to the House of Representatives by the Secretary or Assistant Secretary.

36. Reporters may be placed on the floor of the Senate, under the direction of the Secretary, with the approbation of the President.

37. No person shall be admitted within the lobby of the Senate chamber, except the Governor, Treasurer of the State, Auditor of Accounts, members of the other House, Judges of the Supreme Court, Senators and Representatives in Congress, Ex-Governors and Lieutenant Governors, Ex-Judges of the Supreme Court, Ex-Senators and Representatives in Congress, Ex-Senators of the State Senate, District Judge and Attorney of the United States, members of other State Legislatures, and such gentlemen and ladies as the President or a Senator may introduce.

38. When in session, the Senators shall sit with their heads uncovered.

39. Upon any disorderly conduct in the gallery, the President may order the same to be cleared.

40. Whenever a bill or resolution is laid on the table, by order of the Senate, and shall have remained on the table twenty-four hours, it shall be subject to be taken up by the chair, and presented for the consideration of the Senate, without a call or order on the subject.

41. There shall be one door-keeper and one assistant door-keeper of the Senate.

Mr. Camp introduced the following resolution, which was read and ordered to lie on the table:

*Resolved*, by the Senate and House of Representatives, That the following be the Joint Rules of the two Houses for the year ensuing, to wit:

1. A joint assembly shall be formed by a union of the Senate and House of Representatives in the Hall of the latter, for the purpose of electing certain State and county officers, in which the Secretary of State, or in his absence, the Secretary of the Senate, shall officiate as clerk. It shall be formed only at such time, and for such specific purpose, as may be expressed in a concurrent resolution of both Houses; and may adjourn from time to time during the sitting of the General Assembly.

2. The proceedings of every joint assembly, including the resolutions ordering the same, shall be recorded by the Clerk in a book kept for that purpose, which shall be preserved in the office of the Secretary of State, a copy of which shall be furnished to the Governor by the Secretary of State, but shall not be reported to the Senate or House of Representatives, nor published in either of their journals, unless specially so ordered by joint resolution of both Houses.

3. Previous to the meeting of any joint assembly, for the purpose of electing county officers, the members of the Senate and House of Representatives, from the several counties, shall convene in county conventions, and make a nomination for all the officers to be elected in their respective counties, and present the same for the consideration of the joint assembly; and no nomination for any county officers shall be finally acted on by the joint assembly, until the same shall have been submitted to the county convention.

4. The rules of the Senate, so far as applicable, shall be observed in regulating the proceedings of every joint assembly.
  5. A joint committee of three Senators and three Representatives shall be appointed by the presiding officers of the two houses respectively, to whom may be referred all documents transmitted by the Governor for the use of the General Assembly, who shall report thereon to that House from which they were received.
  6. The committees of the Senate and House of Representatives, to whom the same subject matter shall have been referred, may, for the purpose of facilitating business, meet together as a joint committee, and make a joint or separate report to either or both houses, as they may think expedient.
  7. In every case of disagreement between the Senate and House of Representatives, if either shall request a conference and appoint a committee for that purpose, and the other house shall also appoint a committee on its part, such committees shall meet, at a convenient hour, to be agreed upon by their chairman, in the conference room, and state to each other, verbally or in writing, the reasons of each house for its vote on the subject matter of disagreement, confer freely thereon, and make report of their doings to their respective houses as soon as may be.
  8. Committees of conference shall consist of an equal number from each house, and shall return the papers referred to them to that house which last voted upon the subject matter of disagreement.
  9. When bills are on their passage between the two houses, they shall be under the signature of the Secretary or Clerk of each house respectively.
  10. After bills have passed both houses, and a certificate showing the one in which they respectively originated has been duly endorsed thereon, they shall be delivered to a joint standing committee of two Senators and two members of the House of Representatives, to be designated the Committee on Bills, who shall make careful examination, and see that they are correctly engrossed, and when satisfied of their accuracy, shall present them, first to the Speaker of the House of Representatives, and then to the President of the Senate, for their official signatures, and having obtained them, they shall forthwith deliver them to the Governor for his approbation and shall make true report to both houses of the day on which each bill was so delivered to the Governor, which shall be duly entered upon the journal of each house.
  11. When a bill or resolution, which shall have passed one house, is rejected in the other, notice thereof shall be given to the house in which the same shall have passed; and all such rejected bills or resolutions, with the accompanying papers, shall be returned to, and left in custody of, the house which first acted upon them.
  12. Each house shall transmit to the other all papers on which any bill or resolution shall be founded; and should such bills or resolutions pass both houses, the same papers shall be delivered to the Governor.
  13. After each house shall have adhered to the vote of disagreement, a bill or resolution shall be lost.
  14. No bill, which shall have passed one house, shall be sent for concurrence to the other, on either of the two last days of the session.
- On the nomination of the President, the following Senators were appointed the committee on the part of the Senate, to canvass the votes for Governor, Lieutenant Governor, and Treasurer, for the year ensuing:

Messrs. B. F. Morgan of Bennington County,  
 Thompson of Windham County,  
 Billings of Windsor County,  
 Chittenden of Rutland County,  
 Rich of Addison County,  
 Bass of Orange County,  
 Stone of Chittenden County,  
 Scott of Washington County,  
 Cahoon of Caledonia County,  
 Hubbard of Franklin County,  
 Camp of Orleans County,  
 Noyes of Lamoille County,  
 Marshall of Essex County,  
 Reynolds of Grand Isle.

And they were sworn.

Mr. Read introduced the following resolution, which was read and passed:

*Resolved*, by the Senate and House of Representatives, That both Houses meet in joint assembly this afternoon at 3 o'clock to hear the report of the Canvassing Committee.

On motion of Mr. Camp, it was

*Ordered*, That the Senate do now proceed to the election of a Secretary and Assistant Secretary for the year ensuing.

Whereupon the ballots were taken and examined, and

D. W. C. CLARKE

was found to be elected Secretary, and

ENOCH DAVIS

Assistant Secretary; and they were, thereupon, duly sworn, and entered on the duties of their office.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT: — I am directed to inform the Senate that a quorum of the House of Representatives have assembled and organized by the election of the Honorable ANDREW TRACY Speaker, for the year ensuing, and Ferrand F. Merrill Clerk *pro tempore*, and are now ready to proceed to the business of the session.

Mr. Harris introduced the following resolution, which was read and passed:

*Resolved*, by the Senate and House of Representatives, That the Secretary and Clerk procure to be published, in pamphlet form, for the use of the General Assembly, four hundred copies of the Legislative Directory, embracing the Joint Rules and the Rules of each House.

Mr. Briggs introduced the following resolution, which was read and passed:

*Resolved*, That the Secretary cause to be provided for the President, Secretary, Assistant Secretary, and each of the Senators, during the session, one daily and one weekly newspaper, printed in this village.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT: — The House of Representatives have, on their part,

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appointed a Committee to canvass the votes for Governor, Lieutenant Governor, and Treasurer, for the year ensuing.

They concur with the Senate in passing the resolution providing for a joint assembly to hear the report of the Canvassing Committee, and

They have passed a resolution adopting, *pro tempore*, the Joint Rules of the last session, in which they request the concurrence of the Senate.

A resolution of the House of Representatives, providing for the temporary adoption of the Joint Rules of the last session, was taken up, read, and

*Ordered*, To lie on the table.

On motion of Mr. Briggs, it was

*Ordered*, That when the Senate adjourn, it adjourn to meet at 3 o'clock this afternoon.

The Senate adjourned.

**AFTERNOON.**

The hour provided, by a resolution of the two Houses, for a joint assembly, having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the joint assembly, His Honor Horace Eaton, Lieutenant Governer elect for the year ensuing, signified his acceptance of that office, and the oath of office prescribed by the Constitution was thereupon administered to him by the Secretary.

Mr. Read introduced the following resolution, which was read and passed:

*Resolved*, by the Senate and House of Representatives, That both Houses meet in county conventions, on Friday next, at 3 o'clock P. M., to nominate county officers, and that both Houses meet in joint assembly on Saturday next, at 10 o'clock A. M., to make the county appointments.

On motion of Mr. Billings, the Senate adjourned.

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FRIDAY, Oct. 11, 1844.

Prayer by the Chaplain of the last session.

The journal of yesterday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

**MR. PRESIDENT:** — The House of Representatives concur with the Senate in passing the resolution providing for the appointment of county officers.

They have passed a resolution, providing for the publication of a Legislative Directory, in which they request the concurrence of the Senate.

The resolution from the House of Representatives, providing for the publication of a Legislative Directory, was taken up, read, and passed in concurrence.

The following communication was received from his Excellency the Governor:

*To the President of the Senate:*

I have the honor to inform the Senate that I propose to take the oaths which the Constitution prescribes for the Governor of this State, in the Executive Chamber, at 12 o'clock this day, and to make my annual executive communication to the Senate at 2 o'clock this afternoon; and also that I have appointed Mr. George H. Beaman of Rutland, Secretary of Civil and Military Affairs.

WILLIAM SLADE.

October 11, 1844.

On motion of Mr. Briggs, it was

*Ordered,* That the Senate do now proceed to elect their Standing Committees.

The ballots having been taken and counted, the following Senators were found to be elected:

*On Finance.*—Mr. Camp, Chairman; Mr. Reynolds, and Mr. Rich.

*On the Judiciary.*—Mr. Briggs, Chairman; Mr. Cahoon, and Mr. J. Barrett.

*On Claims.*—Mr. Read, Chairman; Mr. Noyes, and Mr. Chittenden.

*On Education.*—Mr. Sabin, Chairman; Mr. Scott, and Mr. B. F. Morgan.

*On Agriculture.*—Mr. Button, Chairman; Mr. Phillips, and Mr. Hurd.

*On Manufactures.*—Mr. Harris, Chairman; Mr. Richardson, and Mr. Winn.

*On Elections.*—Mr. Woodbridge, Chairman; Mr. Griswold, and Mr. J. Morgan.

*On Military Affairs.*—Mr. Thompson, Chairman; Mr. Bass, and Mr. T. T. Barrett.

*On Roads and Canals.*—Mr. Hubbard, Chairman; Mr. Marshall, and Mr. Billings.

*On Banks.*—Mr. Stone, Chairman; Mr. Noyes, and Mr. Woodbridge.

*On Land Taxes.*—Mr. Green, Chairman; Mr. Cahoon, and Mr. Hurd.

The following communication from the House of Representatives was read:

HOUSE OF REPRESENTATIVES,

Octo. 11, 1844.

SIR: — I have the honor to inform the Senate, that the House of Representatives have elected Ferrand F. Merrill their Clerk, for the year ensuing.

I am, very respectfully,

Your ob't servant,

ANDREW TRACY,

*Speaker of the House of Representatives.*

To the Hon. HERACE EATON,  
President of the Senate.

On motion of Mr. J. Barrett, it was  
*Ordered*, That the Senate do now proceed to elect a Chaplain for the year ensuing.

And on taking the ballots, the  
Rev. JOHN GRIDLEY

was found to be elected.

(S. I.) Mr. J. Barrett introduced a bill entitled "an act in amendment of Chapter 95 of the Revised Statutes, entitled 'Of offences against private property.'"

And it was read the first and second time, and referred to the Committee on the Judiciary.

Mr. Chittenden introduced the following resolution, which was read and passed :

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of so modifying Section 15 of Chapter 28 of the Revised Statutes, as to extend the same rights to vendees at private sale of the several kinds of property therein described, as are possessed by attaching creditors.

Mr. Briggs called up the resolution of the House of Representatives, on the table, providing for the temporary adoption of the Joint Rules.

Mr. Camp moved that the said resolution do lie upon the table, and on this motion demanded the yeas and nays, which were taken and are as follows :

Those Senators who voted in the affirmative are,

Messrs. Camp and Woodbridge.—2

Those Senators who voted in the negative are,

Messrs. J. Barrett, T. T. Barrett, Bass, Billings, Briggs, Button, Cahooon, Chittenden, Green, Griswold, Harris, Hubbard, Hurd, Marshall, B. F. Morgan, J. Morgan, Noyes, Phillips, Read, Reynolds, Rich, Richardson, Sabin, Scott, Stone, Thompson, and Winn.—27.

So the motion was lost.

And the resolution was passed in concurrence.

On motion of Mr. Chittenden,  
The Senate adjourned.

## AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives have passed a resolution providing for the election of a Senator to represent this State in the Congress of the United States; a resolution providing for a joint assembly to elect Judges of the Supreme Court, and a Secretary of State, for the year ensuing; and a resolution providing for a joint assembly to elect an Auditor of Accounts against the State, and an Auditor in the Treasury; in each of which they request the concurrence of the Senate.

The resolution from the House of Representatives, providing for the

election of the Judges of the Supreme Court, and Secretary of State, for the year ensuing, was read, and,

On motion of Mr. Briggs,  
*Ordered*, To lie on the table.

The resolution from the House of Representatives, providing for the election of an Auditor of Accounts against the State, and an Auditor in the Treasury, for the year ensuing, was read, and passed in concurrence.

The resolution from the House of Representatives, providing for the election of a Senator to represent this State in the Congress of the United States, was read, and,

On motion of Mr. Woodbridge,  
*Ordered*, To lie on the table.

A message from his Excellency the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to communicate to the Senate a message in writing.

The message from the Governor was thereupon read by the Secretary, and is follows:

*Fellow Citizens of the Senate and House of Representatives:*

We are assembled in the character of Representatives of the people, to consult upon their interests, and to execute their will. It becomes us, on entering upon our duties, first of all to carry our minds up to the Author of our being; to acknowledge Him as the rightful source of our authority, and to make his will the measure and the motive of our duty. If, in all our ways, we should acknowledge Him, we should especially do so, upon becoming invested with powers, whose appropriate exercise requires, eminently, the wisdom that comes from above. Our responsibility is, immediately, to the people whose servants we are, but, ultimately, to Him who will judge both the people and us.

We come together under circumstances of peculiar favor. The season has been crowned with blessing. Our fields have yielded an abundant harvest, and our people have been exempted from wasting disease. Labor has been protected and rewarded; and peace reigns within our borders. We are blessed with the steady and impartial administration of justice, and continue to enjoy the invaluable privilege of selecting, by our free suffrages, those who shall make and execute our laws.

Among the first duties you will be called on to perform, is that of selecting men to fill the judicial and executive offices of the government, which the constitution has wisely committed to your hands. From among such a people as this, there can be no difficulty in selecting men of upright minds, of pure morals, of tried integrity and of sound intelligence, to fill the various offices within your gift. The power of office, and the power of personal example and influence, can never be separated; and he bears the sword of justice in vain, who counteracts by the one, what he endeavors to enforce by the other.

But your principal labor lies in the broad field of legislation. We are selected and sent here, from among the people; with whose wishes and interests we ought to be thoroughly acquainted, and whose welfare should be the end and aim of our legislation. The government which, by their suffrages, has been committed to us, is their government—"instituted," in the language of our bill of rights, "for the common benefit, protection

and security of the people, and not for the particular emolument or advantage of any single man, family, or set of men." The highest good of the people, and of all the people, therefore, it is our great business to secure.

The establishment of justice, in the perfect protection of rights, is the primary end of government, and, in its broad and comprehensive bearings, embraces a very large portion of all appropriate legislation. But there is a field beyond this. The benificent action of government may, and ought to be felt in the promotion of virtue, in the suppression of vice, in the diffusion of intelligence, in the developement of mind, in the encouragement of industry, and in the drawing forth from the earth, which God has given for our temporary habitation, its teeming riches, to make them subservient to the purposes of their gift, in the wisdom and goodness of their great Author. In short, it is the duty of government to perfect by wise, discreet and timely action, the great purposes of the social organization.

In surveying the field of our duties, there would seem to be no subject claiming higher attention than that of Education. This subject has been repeatedly brought to the notice of the Legislature by my predecessors, and several legislative reports have been made upon it. The result of a report made in the year 1841, was, the appointment by the Governor, of a committee, who presented to the legislature, at the following session, an elaborate and able report, containing facts and suggestions of great importance. I commend that report to your consideration.

Improvement is the great law of our individual and social existence.—The means of it are furnished, in a greater or less degree, to all ; and all, whether individuals or communities, are accountable for the right improvement of them. This accountability rests, with peculiar weight upon us, in connexion with the subject of education—vitally connected, as it is, not only with our individual well being, but with the preservation and perpetuity of the institutions we are permitted to enjoy, and required to transmit to our children. These institutions will, inevitably, take the character of the people, whatever that character may be. The best constitutions of government can interpose but a feeble barrier to the corrupting influences of ignorance and moral debasement. Their beautiful and solid structures will sink and crumble, when they shall cease to rest on the foundations of public and private virtue and universal intelligence.

This obvious truth is full of instruction to those upon whom rests the responsibility of making laws. Their duty is but half performed when they have made laws to govern the people. It is a higher and more difficult duty to adopt a system of legislation which shall have the effect of making the people a law, and a good and safe law, to themselves. The most efficient laws are those which govern, not by the power of the sword, but by the silent influence of virtuous and enlightened principle. To educate a people, then, becomes an indispensable part of legislation—an appropriate and necessary instrument for executing the laws—an instrument far more efficient than the strongest military force ; while at the same time, it gives to a State high-minded, virtuous, intelligent men, to become its strength, its defence, and its glory.

But what is education ? It is not merely the learning which lingers the brain. It is the discipline of the mind and the heart—developing their capacities, strengthening their powers, and training them to practical usefulness. Our children should be learned to think—to discriminate—to feel the conscious power of cultivated intellect, and the purifying, and elevating influence of Christian principle. And this education should be

universal, reaching the humble hovel as well as the spacious mansion, and thus bringing out the children of the poor and the rich, to drink together at the enlarged fountains of knowledge which we should open for all.

To accomplish the purpose of educating this whole people, in a manner suited to sustain our free institutions, we obviously need a more elevated standard of common school instruction. There is too wide a chasm between a liberal and a common education. The higher should not be brought down, but the lower raised. Great political responsibilities rest on our people, involving the necessity of a high state of general intelligence. They are to judge not only of the personal qualifications of candidates for office, but of the character and tendency of measures, and the force and bearing of great principles. They must be able to correct errors of fact, detect false reasoning, and put demagogues to silence.

And the road to distinction should be made broader. We want in high public stations more men who have been trained to maturity amid the scenes of ordinary life. Industry, patience, perseverance, common sense, sympathy for the laboring classes, contempt for the mere distinction of office, and a love of the noble objects it gives the power to accomplish—these are among the fruits of an intellectual and moral training amidst the labors and trials of common life. The mass of mind, as it comes up to maturity, may, by a proper system of education, be disciplined to a vigor, and furnished with an amount of knowledge, fitting for almost any station, not involving the necessity of professional skill for its success.

I do not undervalue the higher seminaries. They must be sustained—established upon solid foundations—placed beyond the reach of embarrassment and want. No adequate system of education can be sustained without them. They are important, not only to train instructors, and fit men for the learned professions, but to maintain a high standard of education in a community. They are like the sun shining in his strength, and communicating light and heat to the bodies by which he is surrounded. But if we would sustain them, let us elevate the standard of common education, for in proportion as that is done, will the higher institutions be more valued, and more liberally patronized and endowed; while there will be, throughout the community, a greatly increasing thirst for the water that comes from these deeper and purer fountains.

The great desideratum in regard to common education is, *improved modes of teaching*,—modes by which the hitherto great waste of time may be avoided—the mind stimulated to activity—trained to habits of self-relying effort, and learned to “go alone,” as it shall be thrown upon its own resources, amid the labors and responsibilities of practical life. Time waits not the sluggish and inefficient movements of false methods of teaching. It bears our children rapidly onward to manhood, prepared or unprepared for the great duties of life. But as we double the power of human energy by new processes in agriculture and the mechanic arts, so may we double the value of the allotted time for education. We are eager to avail ourselves of the augmented power to gain wealth through the wonderful discoveries and improvements of this age. Rail roads augment the value of every thing they touch or approach, and we are, therefore, awake to their importance; but are there not more wonderful developments to be made of intellectual wealth by improved modes of education? Shall other improvements go on, while this stands still? Are the mind and heart of a people of less importance than the materials of wealth in the earth inhabit? Shall we carefully improve the breeds of

our animals while we neglect the improvement of man? If he is esteemed a public benefactor who makes two blades of grass grow where one grew before, is not he a greater, who devises means for doubling the productive power of the mind of a people?

And now is presented the great inquiry—By what means shall the needed reforms be effected in the management and instruction of our common schools? This is, practically, a difficult question. The first thing to be done evidently is, to ascertain the present condition of our schools in regard to the precise defects in the modes of instruction, the character of the books used and the general standard of qualification of teachers.

Though we have doubtless many good teachers, there is, in general a manifest deficiency in this respect. Nor should this surprize us. It would rather be surprizing if, under our present system—if system it can be called—the standard of qualification did not fall far below what it should be. Teaching is, generally, but a temporary resort, either to obtain the means of an education, or of embarking in other pursuits. It should be a *profession*, as honorable as it is responsible. There will be good teachers when we shall mature a common school system which shall create a demand for, and furnish the means of rewarding them.

There should be, furthermore, an examination into the condition of the school houses, in reference to their size, seating, ventilation, warmth, location, and the grounds connected with them.

Information on all these points should be embodied and brought out, in order to awaken the public attention to the necessity of vigorous and systematic efforts for reform. And this must be done under legislative authority, by persons competent to an inspection, and to the making of its results intelligible and useful, as a basis of future action. Such investigations have been the first step in the prosecution of educational improvement in the States of Connecticut, Massachusetts and New York, producing, within a few years, great and beneficial results in these States. Will Vermont longer hesitate to follow their example? On you rests the responsibility of deciding this question. I would not urge to hasty and headlong efforts at improvement. Gradual progress is the law of advance to sound and vigorous maturity in every thing. But there can be no advance without a beginning.

How shall this beginning be made? is a question for immediate consideration. The exploration suggested, to be of any avail, must be uniform, universal and thorough. To make it such, compensation is obviously indispensable. We have once tried it without, and failed; and without it, we shall fail again. There must be an efficiency which the responsibility of accepting a trust with compensation, can alone secure. By what agencies the work shall be done, it will be for your wisdom to determine. It will be worthy of consideration whether they may not be such, in part, as shall be needed for the general supervision necessary to carry forward and perfect a system of educational improvement; such, for example, as a board of commissioners as in Connecticut, or of Education as in Massachusetts, or a general Superintendent of common schools with County Superintendents, as in New York. There may be advantages worthy of consideration in the direct and undivided responsibility of a single general Superintendency, while the County Superintendents may well be supposed, from the range given for their selection, to be fully competent to exercise the rigid supervision, and make the suggestions of improvement indispensable to progress in the reform.

This corresponds somewhat with the Prussian system of superintendency, as described by the Secretary of the Massachusetts Board of Education in the late report of his visit to Europe, for purposes connected with education. The kingdom, it appears from the report, is divided into circles or districts, in each of which there is "one or more school commissioners or inspectors, selected from the most talented and educated men in the community—such as would be appointed presidents or professors in colleges, or judges of the higher courts. The whole Prussian system" says the author of the report, "impressed me with a deep sense of the vast difference in the amount of general attainment and talent devoted to the cause of popular education in that country, as compared with any other country or state I had ever seen." Over all the other functionaries entrusted with the execution of their system, is the Minister of Public Justice, who is a member of the King's Cabinet. "Such has also been the case in France since the late organization of their system of public instruction."

Under the New York system, it is the duty of the County Superintendents to visit the schools in their respective counties, consult with the teachers, and town superintendents, deliver lectures on education, and endeavor to awaken an increased interest on the subject of common school education. These latter requisitions form a very important part of that system; as it is obviously vain to attempt a reform unless the people can be brought to take a deep interest in it. There must be the co-operation of an enlightened public sentiment, or nothing will be done. We may legislate, and must legislate; but after all, little can be effected merely by the high pressure of legislation. It must be adapted to awaken, and concentrate, and give effect to the energies of the community. And what cannot Vermont accomplish in this matter if she shall undertake? and what motives to undertake, and to persevere, can be compared with those which are connected with the vast results of the mental and moral training of her children?

The carrying out, and perfecting, of an adequate system of educational improvement will, of course, involve ultimately, a considerable expenditure; but as the necessity for it shall arise, will the gradually unfolding benefits of the system make the contributions to sustain it, easy, and their burden light. The expenditure on the part of the State, necessary to commence the system, through the agency of a State Superintendent, and county Superintendents, need not be great—not much greater, in the language of the report of the committee to which I have referred, than "the people of Vermont have paid annually for killing foxes."

Vermont has an enviable name abroad. Let her maintain it. Let her emulate the efforts of New York, Connecticut and Massachusetts. She ought, indeed, to go beyond them. No State in the Union has such a material to work upon,—none that can be wrought into more beautiful and durable monuments of public beneficence and liberality.

In respect to the ultimate expenditure that may be needed for the purchase of district school libraries, and chemical and philosophical apparatus and globes,—for making provision in the colleges and academies, or in separate institutions, for the teaching of instructors, and for aid in the repairs and construction of school houses—we may hope that we shall, at no distant day, possess ample means, in our distributory share of the proceeds of the sales of the public lands. It would be an appropriation worthy the noble inheritance of freedom which, with a large portion of

those lands, was bequeathed to us by our revolutionary fathers. It was, indeed, a benevolent and fitting arrangement, in the order of Providence; that the same severance from the parent country which gave us independence, gave us, also, a great domain, capable of dispensing so widely the blessings of education, and of rendering this nation a model of virtue, intelligence, and good government or the world.

I have dwelt longer on the subject of education than may, perhaps, be deemed appropriate for an executive message; but its very great importance must be my apology. It is, in my judgment, of more importance than any other subject that can possibly engage the attention of the legislature.

A consideration of the means of developing the mind of the State naturally suggests the idea of developing the riches of its minerals and its soils. My predecessors have frequently recommended a geological survey of the State, in which I fully concur; and invite to the subject your special attention. If we would develop mind, and apply it to its great purposes, we study and analyze it, that we may understand its capacities and powers. Thus should we do with the soil we inhabit. Here we are, in its daily cultivation, drawing from it our support; and shall we remain ignorant of its properties, its defects and the means of supplying them, only as tardy experience shall disclose them to us? We want a scientific, thorough, universal examination of the various soils of the state, involving a complete analysis and classification of the whole, and such an exploration as shall reach, if possible, all the fertilizing substances which can be made available for the amelioration of our soils, and the stimulating them to their highest practicable power of production. There are localities where the discovery of a bed of limestone would be more valuable than a mine of gold. The same may be said of marl, gypsum, peat and other substances, appropriate, either singly or in combination, to supply deficient elements in unproductive soils.

It is hardly necessary to speak of the probable development of mineral resources, of which we have an earnest in our iron, copperas, copper, manganese, and other mineral treasures.

It is needless to say that such results will not be brought out, except under examinations effected by legislative authority, and at public expense. Such examinations have been made by other States; and the results are before the world. I mean the immediate results; for the great practical results are yet to come forth in a mingled mass of benefits, spreading themselves over the surface of our country, while there is a soil to yield its fruits to the labors of man.

By enquiries made two years ago, I learned, that, at that time, geological surveys had been authorized in every State in the Union, excepting Vermont, Alabama, Mississippi, Louisiana, Arkansas, and Illinois. The lone position of Vermont in this classification, is somewhat striking. It is for you to say whether we shall remain in this position any longer.

This subject derives great additional importance from a consideration of the emigration which has, at some periods, rapidly, and still does, to a considerable extent, drain the population of our State. If we would retain our people at home, let us show them what Vermont is, and what it is capable of becoming, as an agricultural State.

If the people could fully perceive the importance of a geological survey, I doubt not, they would esteem it a privilege to be taxed at once, to an amount sufficient to complete the work. The whole expense of com-

pleting, and publishing a survey, would not, probably, involve a burden exceeding three cents upon each individual in the State; which might be spread over two or more years should it be deemed expedient.

This subject is invested with still further importance from the fact, that rail roads are approaching our State—at no distant day, we may hope, to pass through it—which will greatly enhance the value of our agricultural, as well as our mineral productions. Let us prepare to throw into these improved channels of communication with the great markets of the world, the productions of a soil, quickened by the application of agricultural science, to a doubling of its present power, and cultivated with the augmented energy which these facilities cannot fail to excite.

In the exercise of that care which regards the interests of all, you may not deem it inappropriate or unnecessary, to consider, whether additional legislation is not required for protection against the exactions of unlawful interest. Our law relating to this subject declares, that interest shall be limited to the rate of six per centum per annum; and provides for the recovering back, in an action for money had and received or goods sold and delivered, of any amount paid above that rate. It is worthy of consideration whether the remedy ought not to be extended, so as to authorize a recovery of the amount thus paid, by a proceeding in chancery.

The law has, in effect, declared the taking of interest above six per cent. to be a wrong; but it has provided no adequate remedy for it. The remedy, by the process provided in the statute, is practically no remedy at all, for in no cases can it be made available, excepting those in which accident shall enable a borrower, whose necessities have compelled him to submit to the illegal exaction, to prove by common law evidence, what so much pains are always taken by the lender to conceal, and which the borrower, in the agony of his necessity, is willing should be concealed.—Does not consistency of legislation suggest the propriety of either repealing the law in question, or authorizing its enforcement by a process suited to the case, and indispensable to give the law effect? To do this by the process suggested, would seem to be liable to no valid objection.

This is a subject of much general importance. The manifest tendency of the practice of exacting unlawful interest is, in the first place, to beget a contempt of the law, and sharpen ingenuity for its evasion, the general tendency of which is extremely pernicious,—but, in the second place, and mainly, to increase existing inequalities in the condition of the people,—to make the rich richer, and the poor poorer,—to leave the necessitous to become the victims of the temptation to borrow on long credit, upon an interest which seldom fails to complete their ruin. Notwithstanding the facilities for bank accommodations—a mode of borrowing which begets habits of promptness, and cherishes a sense of honor highly useful to the community—it is believed that the practice of loaning upon unlawful interest, prevails to an extent, and produces results, which may well claim the earnest consideration of the legislature.

The subject of licences for the sale of intoxicating liquors, has come to occupy so much of the public attention, and involves a question of such deep interest to the community, that I cannot deem my duty discharged without inviting your attention to it.

It is a principle fundamental in our government, that it is instituted “for the common benefit, protection and security of the people.” The correctness of this principle, asserted in our bill of rights, will, of course, be conceded by all. In regard, therefore, to the act of the government

in licensing the traffic in intoxicating liquors, the great question would seem to be, whether such traffic is for the "common benefit." This question is, at present, in effect, submitted to the decision of the courts in the several counties, through whom alone, licenses can be granted. There seems, however, to be a prevailing sentiment that the power of license should not remain in the courts, but that it should, in some way, be brought nearer to the people. In this sentiment I concur. The people are the source of power. They know whether the traffic in question is for their benefit, and are fully competent to decide the question for themselves, without the intervention of the judicial tribunals. It is submitted to you, therefore, whether it be not practicable to make some satisfactory provision by law, for sending the question of licenses directly to them, and thus relieve the courts and the legislature from further trouble on the subject. Whether any, and what provision shall be made, your wisdom will determine. If we would avail ourselves of the benefits of experience, which it is always useful to consult, we have an example in Massachusetts, which it may be wise to consider. The experiment of committing the whole subject to Commissioners, appointed by the people in the several counties, with authority to grant licences to such extent as they may deem the public good to require, seems to have given general satisfaction in that state. Should this be deemed an appropriate mode of giving effect to the people's wishes, it would aid the important purpose of removing the elections of Commissioners in the several counties as far as possible from the disturbing influence of party politics, to have them holden on a day devoted solely to that object, and as far removed, in point of time, from every other election, as the question itself ought to be separated from, and elevated above, the party contests of the day.

There is another question connected with this subject, which seems to demand attention. It has been decided by the Supreme Court that justices of the peace have not jurisdiction of offences against the licence laws. County courts have, therefore, exclusive jurisdiction; and the result is, that, in practice, prosecutions for such offences are instituted but once in each year—grand juries being usually no oftener summoned, and States attorneys, I believe, seldom, if ever, in such cases, filing information. The obvious difficulty of reaching, by such an annual process, all the violations of the licence laws, connected with the fact that the maximum of the penalty is but ten dollars, would seem to suggest the propriety of either giving the jurisdiction to justices of the peace, or of making provision that they may bind over offenders with the witnesses, to the county courts, as often as the offences shall be committed. If we are to have laws on this subject they should be enforced. Every good citizen must desire this, whatever may be his opinions on the question of temperance. Better, far better, to have no laws, than to permit them to stand on the statute book unexecuted, since there is thus added to the prohibited, and yet permitted evil, that other great evil of a practical denial of the rightful supremacy of law.

I have been furnished in advance, with copies of the eighth annual reports of the Trustees and Superintendant of the Vermont Asylum for the Insane. From these reports it appears, that during the past year, 232 patients have enjoyed the benefits of the Asylum; that 96 have been admitted to it, and 74 discharged; and that 158 remain. Of the discharged who had been insane, not exceeding six months, 89 per cent have recovered; while of those whose insanity had been of longer duration, the pro-

portion of the restored has been but 34 per cent.—showing, what should be universally known, the great importance of early efforts to secure for the insane the benefits of the institution. The reports show that inveterate cases, supposed to be beyond the reach of perfect cure, may be very greatly ameliorated. Several touching examples of these are given in the report of the Trustees, in which persons have, after a derangement of from 12 to 60 years, been taken, in conditions of horrible wretchedness, from cages and cells, their chains knocked off, and within a few weeks from their entrance into the Asylum, have been persuaded to enjoy the luxury of comfortable beds, and with safety admitted to receive their food with knives and forks at a common table.

I am happy to learn that since the last report, additions to the buildings have been completed, so as, in the opinion of the Trustees, to furnish accommodations fully adequate to the wants of the State. It appears also, that reduction has been made in the terms of admission, by reason of the means which additional buildings have furnished for the accommodation of a greater number of patients, without the necessity of increasing the number of officers of the Asylum.

It is an exceedingly fitting and important arrangement in the institution, that facilities are furnished for the employment of the inmates in the occupations to which they have been accustomed—the influence of which, with appropriate amusement, upon their health, and as a means of restoration to mental soundness, is apparent.

It appears that the income, during the past year, has been \$581 14 more than the expenditures ; leaving, as a general result, after allowing for bad debts, a small balance in favor of the institution.

The report of the Trustees bears strong testimony to the judicious management of the Superintendent ; to whose exertions the state is evidently very greatly indebted for the success of this valuable institution, in accomplishing the humane purpose of its establishment.

The appeal at the close of the report of the Trustees, in behalf of the insane poor of the state, is worthy of consideration. There is no conceivable claim upon Christian charity so strong as that which comes from those who are destitute alike of reason, and of appropriate means for its restoration. That claim, it is feared, will not be adequately met by towns chargeable with the support and maintenance of such poor—the furnishing them the means of restoration to mental soundness, or even of ameliorating their insanity in cases where it is supposed to be incurable, constituting, under existing laws, no part of the legal duty of the towns. Whether, if such duty was imposed on them, it would result in securing the needed relief, or securing it as promptly and effectually as it should be, may perhaps admit of a question. I submit whether further provision should not be made by law, for securing the benefits of the asylum to all the insane poor within the State.

The term of one of the Senators of this State in the Congress of the United States will expire on the third of March next. It will, therefore, become your duty to elect a person to represent this State in the Senate of the United States for six years from and after that time.

I have received from my predecessor sundry resolutions of other States of the Union, communicated to him with requests that they should be laid before the Legislature of this State. I shall make them the subject of a future communication.

Thus far I have called your attention to subjects immediately connec-

ted with our domestic policy, and falling, exclusively, within the range of our State legislation. But we constitute a part of another government, whose action vitally affects us, as a community, and as a member of the confederacy. It is proper, therefore, that I should devote some attention in this communication, to the questions connected with the administration of that government, which now agitate the country and demand the attention of us all.

The question of protection to American labor and capital, in their competition with the labor and capital of foreign countries, is one which comes home to the business and interests of the whole community. The vast variety of the soil and climate of our country, and of the genius and inclinations of its people, plainly indicates that diversity of employment and pursuit is essential to the full developement of its capacities for improvement. It was a sense of this, impressed by the practical workings of foreign competition, that formed a leading motive to the adoption of the constitution. The "more perfect union" of which that constitution was the bond, was scarcely, in any respect, more important than in the means which uniform regulations of commerce furnished for the counteraction of the foreign policy which sought to establish our workshops abroad, and make our people tributary to the cheap labor and abundant capital of other countries. This purpose of the constitution was carried out in the first revenue law passed under it, whose framers were careful expressly to declare, in its memorable preamble, that the duties it imposed, were laid "for the *encouragement* and *protection* of manufactures." And if there is any policy which, more than any other, has marked our history, it is the policy, of which that preamble was the earnest and the pledge. It is under its creative power that manufacturing establishments have sprung up in almost every part of the country, sending the pulsations of vigorous health through all departments of its industry. We have, indeed, suffered under occasional partial suspensions of that policy, but they have served to show us, what uninterrupted prosperity under it might not have done—its indispensable importance to secure adequate encouragement and reward to labor, a full developement of the nation's faculties for improvement, and a realization of the benefits derivable from the compact which made us "one people."

In all the vicissitudes of the protective policy, it has never, perhaps, passed through greater peril than it is now encountering. The tariff of 1842 saved the protected interests from prostration. Its benefits have been felt in a revival of business, a restoration of confidence, an adequate revenue, and a general and healthful impulse to the labor of the country. But in the midst of these successes, it is suddenly brought into peril.—Twelve years ago the system of protection was put in similar peril, by the coincident action of nullification on the one hand, and betrayal by its professed friends on the other. That is the character of the present danger. Nullification it is true, has lost much of its power; but false principles, deceptive reasoning, and disguised enmity are as strong, perhaps stronger than ever. This is illustrated in the success of efforts to confound all just distinctions in regard to protection, and lead the unsuspecting to an incautious committal of the protective system to the hands of its enemies.

Thus we have the doctrine of protection misstated and perverted, by declarations, that it consists in "*discrimination* for the purpose of *revenue only*," with protection incident to such discrimination; and again, that

"the *true limit* of the right and claim to protection, is that rate of duty upon any given article which will yield the largest amount of revenue."—Beyond this, it is asserted, the Constitution gives no power to impose duties.

The hinge on which the whole protective system turns, is, the *purpose* for which discriminations are made in the adjustment of a scale of duties. If "revenue only" is the purpose, every one familiar with the subject can see that it may not afford adequate protection to any interest, since it is obvious that a duty on a given article, falling far short of just protection to its rival of American production, may be the duty which will yield the greatest amount of revenue from that article, by reason of its greater importation under the lower duty. To subject the protected interests to the operation of such a rule, is to commit them to mere chance. If this is the "*true limit* of the right and claim to protection," it is a limit within which every protected interest in the country may be crushed. The true doctrine is, not discrimination for *revenue*, with incidental protection, but a tariff for *revenue* with discrimination for *protection*. The revenue purpose is to govern, when we are considering the amount of revenue to be raised upon the whole of the importations. No more revenue, in the aggregate, may be raised, than shall be necessary to supply the wants of the government—making a tariff, in this sense, a revenue tariff. But while this great revenue purpose is to be kept in view, and its limit never exceeded, another purpose is, also, to be kept in view, namely—that of so discriminating between different classes of articles, and between one article and another, of the same class, that while, in the aggregate, we raise only the required amount, we may, by the discrimination, impose high duties on articles needing strong protection—moderate duties on those needing less protection, and no duties on such as need no protection. This is discrimination for protection—the genuine doctrine, of which discrimination for revenue, with incidental protection, is the counterfeit.

It was this false doctrine which formed the leading feature in the report of the committee of Ways and Means, at the late session of Congress: and the bill reported by that Committee, and which stands upon the calendar of the House for its action at the next session, was the legitimate result of that doctrine.

As perpetual vigilance is the price of liberty, so is it emphatically the price of protection to our industry. We can well resist the attacks of the open enemies of the protective policy, but may find ourselves baffled and foiled by the deceptive warfare of its pretended friends. The investigations of this year, aided by the obvious benefits of the existing tariff, will, it may be hoped, result in firmly establishing correct principles on this subject, and giving permanency to the tariff, of which they form the basis.

There is another subject of great importance which demands our attention; and the more so because it is a question in which our rights as a State, are directly involved. I refer to the debated policy of distributing to the States the proceeds of the sales of the public lands.

The leading objection to distribution—aside from its alledged "corrupting influence upon the States, which is not worth considering—is, that, by taking the amount of the land sales from the treasury, we increase the taxes for the support of government, and thereby, in effect, tax the people for the purpose of distribution,—in other words, that we corrupt the people with their own money. The argument rests upon erroneous views of the effect of a tariff. It is well known that an increase of duty does not,

necessarily, produce an increase of price. If the proceeds of the lands are taken from the treasury for distribution, a necessity will of course be thereby created for raising an additional sum, equal to that amount, by duties on imports. But, it is well known, in the first place, that an augmented duty, if it has the effect of increasing the domestic supply of rival articles, is, in effect, divided between the foreign producer and the consumer; and, in the next place, that so far as the consumers pay the additional duty, their ability generally, to do so, is increased by the tariff itself, in its influence on the industry of the country. This is shown, among other ways, by augmented revenue, under a decidedly protective tariff, as illustrated in the operation of the tariff of 1842. An increased consumption, generally, though not always, proves an increased ability to purchase dutiable commodities; and this corresponds with the great tariff theory, that protection gives the impulse of increased reward, and steadiness of employment, to all branches of domestic industry.

All that part of the public domain which lies within the original limits of the United States, is holden by them strictly in trust for the benefit of the several states. Distribution, so far as regards this portion of the public lands, would be but a simple execution of the trust created in the deeds of cession to the United States—a trust which, if the parties were subject to chancery jurisdiction, might be enforced, upon the common principles applicable to trust estates. And although the claim for a distribution of the proceeds of the lands since acquired, rests upon grounds of expediency only, and not of strict right, yet that expediency is not less clear than is the right under the trust referred to.

Distribution is expedient, in the first place, because of its effect upon protection—preventing, as it will, the income from the public lands from a pernicious interference with the protective policy, by leaving the whole of the needed revenue to be drawn exclusively from impost duties. And this constitutes another striking ground of difference between the genuine and spurious friends of protection.

Distribution is expedient, also, because the proceeds of the national domain are thereby brought nearer to the people, who can, through their immediate representatives in the State legislatures, more wisely and beneficially appropriate them to purposes of needed improvement. Since the arresting of the policy of internal improvement, by the national government, effected by the Maysville veto, distribution has become the only means by which the avails of the public lands can be made to accomplish that important purpose. And if the fund can be thus appropriated, through distribution to the States, the arresting of the policy, by the veto referred to, may not, perhaps, be a subject of regret, since the object can, probably, be better accomplished through State, than National administration. But to stop the national appropriation of the fund, for purposes of improvement, and at the same time, withhold it from the States, is to abandon the object altogether, and thus forego the great national advantages which this fund, from its permanent character, as well as from its large amount, is peculiarly adapted to secure.

This fund may, moreover, under the state administration, be made to reach one object of improvement, which it would, probably, never reach in the hands of the general government;—I mean, the object of education—an object of more importance to this nation than all other objects combined, to which the fund can possibly be appropriated. It is thus that the great domain may be made to reach, and purify the fountains of

thought and feeling among the masses, upon whom rest, and must always rest, whilst our institutions are republican, the government of this nation; and whose moral and intellectual character *will shape* its destinies, "rough hew them as we will," by the most carefully matured schemes of national policy.

If we would make this a truly great nation, we must give activity and vigor to the elements of greatness in the hearts and minds of its people. These elements must be brought out—their capacities fully developed, and their energies rightly directed. And here are the means of doing it, furnished to our hands. Let the nation either use them, or place them where they may be used, for this great purpose, and thus render the beneficial effects of the appropriation of the national domain, as solid and enduring as the domain itself. It is thus, in the right use of the means for national improvement which God has given us, that he will bless us—will make us a great and a good nation, and enable us to accomplish the ends of His Providence in giving us a national existence.

There is another question of great and overwhelming interest which recent events have forced upon our attention. By a sudden and unexpected turn of party policy, we are called on to decide the momentous question, whether a foreign nation shall be annexed to, and become part of this confederacy. As this is a question in which the States, as members of the Union, have a special interest, and upon which they may, and ought, immediately, to express their opinions, through their respective legislatures, it will not be deemed, in any sense, foreign to my duty, to bring the subject to your notice, and urge it upon your special attention.

Vermont came into a union whose bond was a written constitution, granting to its government certain specified powers. No question in regard to the powers conferred by that constitution, can be of greater importance than that which relates to the membership of the confederacy. The extent to which new members may be admitted, involves a question vital to the Union. A violation of the constitution on this point reaches far beyond a question of mere administration of the government. It strikes at the existence of the government itself. An unauthorized admission of a new state, is nothing less than an attempt to make a new confederacy. This cannot, of course, be done, without a destruction of the old—with-out an exercise of power by the existing government, equivalent to suicide.

Such is the proposition for the annexation of Texas to this Union—involving a question of much more importance than whether the territory to be added shall form one or five states, or whether they shall all be slave or all free states, or equally divided between these opposite and irreconcileable elements of power. It is a question whether, by an act of *arbitrary power*, Vermont shall be forced, without her consent, into a federal union with a state or states, not admissible by the compact into which she has entered. It is as though a majority of the members of an ordinary partnership were to attempt to force a member into the concern without the common consent—compelling the dissatisfied member or members to subject the whole business and destiny of the establishment to the hazard of a connexion with a new partner—it may be, bankrupt in fortune and character, or trained to habits of business, or possessing infirmities of constitution, rendering the connexion valueless, or worse than valueless. An ordinary violation of the constitution—such, for example, as an alleged unauthorized regulation of commerce for purposes of protection, might be submitted to, until the action of the appropriate judicial tribunal could

reach and remedy the evil. But this is a case which no judicial power can reach. The foreign state once admitted, and the mischief is done, irrevocably; and resistance on the part of the injured states becomes the only remedy, though it may involve the hazard of forever quenching the watch-fires of our liberty and union in blood.

The right to annex is claimed to rest on the grant of power in the constitution to admit new states into the union. If there had been no territory within our original limits upon which this power could operate, the right to admit states from beyond them would seem necessarily to have been embraced in the general grant of power. But such territory existed, large and ample. The advocates of annexation would seem, therefore, to be thrown upon the necessity of furnishing evidence of intention, quite beyond any thing that can be found in the general language—"New States may be admitted by the Congress into this Union,"—which, if allowed the latitude contended for, would leave no limit to the exercise of the power, short of the entire habitable globe. That the framers of the constitution had in their contemplation a provision admitting such a latitude, is incredible, and it is equally so that if they had such intention, they should have failed to express it, in language suited to the grant of a power of such fearful magnitude as that of effecting, by a simple act of Congress, an essential change in the relations of the constituent members of the confederacy;—and this, too, while Congress is invested with no power to change even a line of the constitution—which can only be done by the solemn act of three fourths of the states of this union.

Ardent minds may have glowing visions of greatness, and glory and good to man, in prospect of the boundless exercise of the claimed power; but it is for the sober and thoughtful, and wise and truly benevolent, to check such anticipations, and chasten such desires, by submitting them to the restraints of rigid justice to the existing members of the confederacy. No fancied benefits can ever compensate for the perpetration of wrong—the infliction of injustice, under any circumstances whatever.

But it is attempted to obviate the constitutional difficulty, by claiming title to Texas as part of the Louisiana purchase, and calling the proposed measure *re-annexation*. In reference to this it is sufficient to say that by the Treaty of 1819 with Spain, after a protracted negotiation with regard to the Southern boundary of Louisiana, it was agreed to fix it on the Sabine; that the yielding of our disputed claim to Texas entered into the consideration of the cession to us of Florida; and that the line thus established was subsequently confirmed by our Treaty of limits with Mexico. The claim to *re-annexation*, then, is as though, upon the possible independence of Canada, and a treaty with her confirming the boundary, established by the treaty of Washington, we should afterwards claim as our own, the territory ceded by us in that arrangement, because it was embraced within our formerly claimed limits. Who would be willing to hazard the peace or the honor of the country, upon such a claim as this? And yet such is the claim for *re-annexation*.

But there is another insurmountable constitutional objection. It is found in the *purpose* of annexation. That purpose is to establish and perpetuate slavery—any attempt to do which by the General Government is, of itself, a manifest violation of the national compact. For where is to be found among the powers granted in the constitution, the semblance of a power to establish or perpetuate slavery, any where? With the exception of the provisions for delivering up fugitives, and the suppression of

insurrection, and the three fifths slave representation in one branch of Congress, the constitution confers on slavery no privilege; and imposes no duty, and confers no power on Congress, looking, in the remotest degree, to its support. It was a state institution before the constitution was formed, and, so far as that constitution is concerned, it remains so still—free to live, if it can, but certain to die without unconstitutional aid for its support. That aid it is the purpose of annexation to afford.

The onward progress of freedom, under its high impulses, is rapidly changing the balance of power, and leaving slavery to perish; and now the nation is suddenly called on to come to its rescue—to save it from sinking—to infuse into it fresh life and vigor, and to prolong and perpetuate its power. And this at the expiration of more than half a century from the formation of the constitution, when the entire nation entertained the belief that slavery could not survive the first quarter of a century of our national existence.

It is said, indeed, that annexation will not have the effect of enlarging and sustaining the power of slavery. But whoever considers the relation between demand and supply in the commerce of the world, will be at no loss to perceive the connection between the consumption of human energy and human life in the enlarged cultivation of Texas annexed, and the increased production in our slave breeding States for the supply of the demand thus created. Such was the effect of the acquisition of Louisiana. *That slavery is destined, with annexation, to recede gradually to the South, until it melts away and becomes lost in a mixture of races somewhere between the line of Mason & Dixon, and the isthmus of Darien, is a vision of fancy as baseless as the fabric of a dream.* Nothing in the past will justify us in believing it can ever become a reality.

To attempt for any purpose, a transformation of the present, into the new union which annexation would create, would be an insufferable invasion of our rights; but to attempt it for the purpose of sustaining slavery, and subjecting the tenants of these mountains to its prolonged power, is to be thought of with no dream of submission to it for an hour. Upon the consummation of the threatened measure, I do not hesitate to say that it would be the duty of Vermont to declare her unalterable determination to have no connexion with the new union, thus formed without her consent, and against her will. To carry out this determination would not be to dissolve the union, but to refuse to submit to its dissolution,—not to nullify, but to resist nullification.

I do not undervalue the Union. I greatly value, and would preserve it. But it is the union of which the present constitution is the bond. If the question were properly submitted to Vermont whether she would come into a new union, we would deliberate upon it; but the question whether we will submit to be forced into it, under pretence of a power to do so which does not exist, is not to be debated for a moment, any more than we would debate the question of submission to a foreign yoke.

But why, after all, should annexation be desired by any body? What conceivable motive is there for it, having reference to the good of the whole country? How is it to benefit the Union? Who can assure us, indeed, of the capacity of our Union to resist the strong tendencies to dissolution, of such an acquisition? What wise and prudent statesman will be willing to hazard such an experiment upon this Union? Wiser and better is it to endeavor to strengthen and consolidate it upon its present basis—to get rid, as soon as can be properly and rightfully done, of

every thing that will endanger it, and especially of that greatest of all sources of danger, the institution of slavery—and thus, having laid aside every weight, to run the race of freedom and philanthropy and solid glory which is set before us.

The relation of Slavery to the confederacy, the evident danger from the existence of such an element in our Union, and the increasing excitement in regard to it, suggest a few additional remarks upon that subject.

The question of slavery is among the greatest that can occupy the mind of the nation. The true position in which it was left by the Constitution—the expectation of the country in regard to its then future condition—the history of its subsequent encroachments, and its irreconcilable hostility to freedom, are matters which must and will occupy the public attention. The *world* is moving on the subject; and the progress which has been made within the last quarter of a century, in the work of human emancipation, has materially changed the aspect of the whole question. To attempt to put down abolition is vain. The statesmen of this nation must look the question in the face. It is not one of mere philanthropy, but has other bearings. Slavery is an element of political power; and how long, and to what extent, it shall be suffered to control the policy and mould the destiny of this nation, is a question whose consideration cannot be postponed indefinitely.

What direction shall be given to the strong and growing feeling on this subject, is among the most important questions than can occupy the minds of our Statesmen. There are evidently great dangers to be encountered. If the purpose of the Fathers had been carried out, and slavery had gradually yielded and given place to the institutions of freedom, this crisis would not have been thrown upon the country. But the contrary policy has prevailed. Slavery has planted itself in new fields—has struggled for ascendancy, and maintained it; and has finally come to take the ground that it must be fostered, and cherished, and extended, so as to be able to maintain its balance, as an element of power in the Union. What is to be the character and issue of the conflict which the growing spirit of freedom is to have with slavery, thus struggling to maintain its ascendancy is a question of fearful interest. The pretensions and encroachments of the slave power, and especially the attempt to strengthen it by the annexation of Texas, have contributed to give a character of deep and desperate earnestness to abolition movements, threatening to draw every other question of morals and politics within their vortex.

The true ground is not upon either of these extremes. But neither is it the ground of indifference. That will work no deliverance either from the evils of slavery, or of an over heated and headlong zeal for its abolition. No attempt should be made to suppress the mighty impulses of this age towards universal emancipation. None will be successful. Rather should it be our effort to guide them rightly and safely.

Cold apathy and bitter zeal should alike give place to a calm, steady, patient, persevering effort to reach the seat of the evil,—to overcome in the South the fear of change, the force of habit, the reluctance to labor, the love of dominion, and the tenacity of supposed, but mistaken interest, while truth shall be made to exert its appropriate power in quickening the conscience to a just sense of the wrongs of slavery. And along with all this there must, and will, of necessity be political action in some form, gradually changing the character of state and national legislation, while no great interest of the country shall be left forgotten, uncared for, or

neglected. The position of the North, and the natural jealousy of its efforts in this cause, impose on it the duty of moderation and forbearance; while the claims of humanity, and a just respect for its own rights demand that it steadily resist the encroachments, expose the wrongs, and labor, in all appropriate ways to rid the country of the evils, of slavery.

Suffer me, in closing this communication again to advert to our domestic concerns, and to express the hope that we may come to the consideration of them, with a feeling of devotion to the interests of our State, which shall make us forget all party distinctions in an ardent desire to benefit and bless her. Let the lines which divide us on questions of national policy be obliterated, when we come to consider the matters which concern exclusively our own people; and let the strife of party zeal be lost in a generous emulation to devise the best means of advancing the interests of this Commonwealth. And what a field does she present for our labors. Almost the whole of her surface may be converted into a garden, rank with luxuriance, and teeming with riches for the benefit of man. A wise domestic policy may, within no very distant period, have the effect of doubling the amount of our present productions—retaining our population at home—giving to all, the means of comfortable subsistence, and the added means of universal education, upon a scale commensurate with the great purpose of educating a people to govern themselves. We are, and must, of course, continue to be, a small state; but necessarily small, only in territorial extent. In all that constitutes true greatness we may become the largest State in the Union—in the world; great in the developement of the capacities of our soil, but far greater in the mighty energies of the men that shall live upon it.

Here then is a large field for our efforts. Let us survey it, fully, and address ourselves to its labors with a determination to do what our hands find to do, with our might. To all this we are urged by motives which come up in the recollections of the past, and stand out in the visions of the future. How can we help feeling an honest state pride, when we think of our origin—of our history—of our strength at home—of our character abroad, and of our position of influence and power for good, upon an extended scale, in our connexion with the Union. We may, and must concern ourselves with the questions involved in the national action; but after all, here is Vermont—a name dear to us all—at the mention of which our hearts thrill with honest pride. Vermont! our own beloved State, that claims our first attention, and deserves our warmest affection, and our untiring efforts for her good. In regard to her let us say,—If I forget thee let my right hand forget her cunning; if I do not remember thee, let my tongue cleave to the roof of my mouth, if I prefer thee not above my chief joy.

In conclusion, I need hardly say to the representatives of a Christian people that the efforts of our highest wisdom—our most carefully matured schemes for the advancement of the public good, will be unavailing without the divine blessing. Let us, amid the cares and labors and excitement connected with the performance of our duties, take fast hold of this great truth—maintaining a just sense of the magnitude of the trust committed to us, and an abiding conviction of the true character of our responsibilities in connection with it.

Suffer me to tender, through you, to the people of Vermont my grateful acknowledgments for the recent expression of their confidence—my sense of the value of which, and of the increased responsibilities it imposes on

me, I shall leave to be expressed, as may best be done, by a devotion of my life to the promotion of the highest interests of this State, of my country and the world.

WILLIAM SLADE.

EXECUTIVE CHAMBER, }  
October 11, 1844. }

On motion of Mr. Briggs, it was  
*Ordered*, That the message from his Excellency the Governor, just read, be laid on the table, and that the Secretary procure 300 copies to be printed for the use of the Senate.

The Senate adjourned.

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SATURDAY, Oct. 12, 1844.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

On motion of Mr. Thompson, it was

*Ordered*, That a committee of three Senators from each Congressional District, be appointed by the President on the part of the Senate, to canvass the votes for Representatives in Congress from this State.

Mr. Briggs introduced the following resolution, which was read and passed.

*Resolved*, That the Committee on Roads and Canals be instructed to enquire into the expediency of altering the law in relation to the collection and expenditure of the annual highway tax assessed for repairing highways;

To secure an accounting by the person receiving a tax bill for the amount collected and expended;

To make provision for collecting an amount, in team, work which may be necessary to make repairs; and

To provide for the election or appointment of highway surveyors, who are competent to lay out and expend the highway tax in a judicious and suitable manner.

(S. 2.) Mr. Green introduced a bill entitled "an act in amendment of Chapter 63 of the Revised Statutes, relating to divorce."

And it was read the first and second times, and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives have passed a reso-

lution providing for a joint committee of the two Houses to prepare and report Joint Rules, in which they request the concurrence of the Senate.

They have, on their part, appointed Mr. Buck of Northfield, Mr. Rice of Somerset, and Mr. Grandey, to join the committee of the Senate.

The resolution of the House of Representatives, providing for a joint committee of the two Houses to prepare and report joint rules, was read, and

Passed in concurrence.

The President announced the appointment of the following committees, on the part of the Senate, to canvass the votes for Representatives in Congress from this State:

*First District.*—Mr. Thompson, Mr. Hurd, and Mr. Button.

*Second District.*—Mr. J. Barrett, Mr. Griswold, and Mr. Morgan.

*Third District.*—Mr. Read, Mr. Woodbridge, and Mr. Green.

*Fourth District.*—Mr. Cahoon, Mr. Camp, and Mr. Richardson.

On the part of the Senate, to prepare and report Joint Rules of the two Houses:

Mr. J. Barrett, Mr. Noyes, and Mr. Woodbridge.

Mr. Read introduced the following resolution:

*Resolved.* That so much of the Governor's message as relates to a Geological Survey of this State, be referred to the Committee on Finance, with directions to report a bill providing for such survey.

Mr. Richardson moved to amend the resolution, by striking out the words "with directions to report a bill providing for such survey."

And it was so ordered.

And the resolution, thus amended, was passed.

The hour provided for a joint assembly of the two Houses having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the Joint Assembly,

Mr. Woodbridge called up the resolution of the House of Representatives, on the table, providing for the election of a Senator to represent this State in the Congress of the United States, and it was passed in concurrence.

Mr. J. Barrett moved that when the Senate adjourn, they adjourn to meet on Monday morning next.

And it was so ordered.

The Senate adjourned.

MONDAY, Oct. 14, 1844.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

Mr. J. Barrett, from the committee appointed to prepare and report Joint Rules, submitted the following report:

*To the Senate:*

The committee appointed to prepare Joint Rules, for the Senate and House of Representatives, have attended to that duty, and unanimously report the following, to wit:—

1. A joint assembly shall be formed by a union of the Senate and House of Representatives in the hall of the latter, for the purpose of electing certain State and county officers, and Judges of Probate, in which the Secretary of State, or in his absence the Secretary of the Senate, shall officiate as Clerk. It shall be formed only at such time, and for such specific purpose, as may be expressed in a concurrent resolution of both houses; and may adjourn from time to time during the sitting of the General Assembly.

2. The proceedings of every joint assembly, including the resolutions ordering the same, shall be recorded by the Clerk in a book kept for that purpose, which shall be preserved in the office of the Secretary of State, a copy of which shall be furnished to the Governor by the Secretary of State.

3. Previous to the meeting of any joint assembly, for the election of county officers and Judges of Probate, the members of the Senate and House of Representatives, from the several counties, shall meet in conventions, and make a nomination, of all the officers to be elected in their respective counties, and the members of the Senate and House of Representatives residing in the several Probate Districts, shall meet for convention and make nomination of the Judges of Probate for their respective districts, and present the same for the consideration of the joint assembly; and no nomination of any county officers or Judges of Probate shall be finally acted on by the joint assembly, until the same shall have been respectively submitted to the aforesaid conventions.

4. The rules of the Senate, so far as applicable, shall be observed in regulating the proceedings of every joint assembly.

5. A joint committee of three Senators and three Representatives shall be appointed by the presiding officers of the two houses respectively, to whom may be referred all documents transmitted by the Governor for the use of the General Assembly, who shall report thereon to that House from which they were received.

6. The committees of the Senate and House of Representatives, to whom the same subject matter shall have been referred, may, for the purpose of facilitating business, meet together as a joint committee, and make a joint or separate report to either or both houses, as they may think expedient.

7. In every case of disagreement between the Senate and House of Representatives, if either shall request a conference and appoint a committee for that purpose, and the other house shall also appoint a com-

mittee on its part, such committees shall meet, at a convenient hour, to be agreed upon by their chairman, in the conference room, and state to each other, verbally or in writing, the reasons of each house for its vote on the subject matter of disagreement, confer freely thereon, and make report of their doings to their respective houses as soon as may be.

8. Committees of conference shall consist of an equal number from each house, and shall return the papers referred to them to that house which last voted upon the subject matter of disagreement.

9. When bills are on their passage between the two houses, they shall be under the signature of the Secretary or Clerk of each house respectively.

10. After bills have passed both houses, and a certificate showing the one in which they respectively originated has been duly endorsed thereon, they shall be delivered to a joint standing Committee of two Senators and two members of the House of Representatives, to be designated the Committee on Bills, who shall make careful examination, and see that they are correctly engrossed, and when satisfied of their accuracy, shall present them, first to the Speaker of the House of Representatives, and then to the President of the Senate, for their official signatures, and having obtained them, they shall forthwith deliver them to the Governor for his approbation, and shall make true report to both houses of the day on which each bill was so delivered to the Governor, which shall be duly entered on the journal of each house.

11. When a bill or resolution, which shall have passed one house, is rejected in the other, notice thereof shall be given to the house in which the same shall have passed; and all such rejected bills or resolutions, with the accompanying papers, shall be returned to, and left in the custody of, the house which first acted upon them.

12. Each house shall transmit to the other all papers on which any bill or resolution shall be founded; and should such bills or resolutions pass both houses, the same papers shall be delivered to the Governor.

13. After each house shall have adhered to the vote of disagreement, a bill or resolution shall be lost.

14. No bill, which shall have passed one house, shall be sent to the other for concurrence, on either of the two last days of the session.

J. BARRETT, *for Committee.*

On motion of Mr. Cahoon, the said report was  
*Ordered,* to be laid upon the table.

Mr. Briggs presented the petition of Asahel Durkee and 22 others, praying for the repeal of the existing laws restricting or prohibiting the sale of spirituous liquors and wines.

And it was read, and

*Ordered,* to be laid upon the table.

Mr. Read introduced the following resolution, which was read and lies on the table for twenty-four hours, under the rule:

*Resolved,* That the 41st standing rule of the Senate be amended by adding thereto the following words: "and the President may employ a boy to attend in the Senate Chamber."

Mr. Harris introduced the following resolution:

*Resolved,* by the Senate and House of Representatives, That both Houses meet in Joint Assembly, on Tuesday next, Oct. 15th, at 10 o'clock,

A. M. for the purpose of electing a Reporter of the decisions of the Supreme Court for the year ensuing.

And it was read, and on motion of Mr. Briggs,  
*Ordered*, to be laid on the table.

The President announced his approval of the nominations of the Sergeant-at-Arms of Zebina C. Camp as Door-Keeper, and Anderson C. Dana as Assistant Door-Keeper to the Senate;

And they were severally sworn by the Secretary.

Mr. Noyes called up the resolution of the House of Representatives, on the table, providing for a Joint Assembly to elect Judges of the Supreme Court, and a Secretary of State for the year ensuing, and

On motion of Mr. Briggs, it was again  
*Ordered*, to be laid on the table.

(S. 3.) Mr. Camp introduced a bill entitled "An act making provision for a further compensation to County Clerks in certain cases."

And it was read the first and second times, and referred to the Committee on Finance.

On motion of Mr. Thompson,  
The Senate adjourned.

## AFTERNOON.

Mr. J. Barrett called up for the consideration of the Senate, the report of the Committee on Joint Rules, which had been ordered, this morning, to be laid on the table.

Mr. Cahoon moved to amend the rules reported by the Committee, by striking out the 14th rule as follows:

"No bill which shall have passed one House, shall be sent to the other for concurrence, on either of the last two days of the session."

And the question being taken, the amendment proposed was rejected.

Mr. Cahoon moved further to amend the said rules by so altering them as to cause them to conform with the Joint Rules of the last session.

And the question being taken, the amendment proposed was rejected.

And the question being, Will the Senate accept the report of the Committee, and on their part, adopt the rules as reported?

It was decided in the affirmative.

So the Joint Rules were adopted, on the part of the Senate, and are as follows:

1. A Joint Assembly shall be formed by a union of the Senate and House of Representatives in the hall of the latter, for the purpose of electing certain State and County officers, and Judges of Probate, in which the Secretary of State, or in his absence, the Secretary of the Senate, shall officiate as Clerk. It shall be formed only at such time, and for such specific purpose, as may be expressed in a concurrent resolution of both houses; and may adjourn from time to time during the sitting of the General Assembly.

2. The proceedings of every Joint Assembly, including the resolutions ordering the same, shall be recorded by the Clerk in a book kept for that

purpose, which shall be preserved in the office of the Secretary of State, a copy of which shall be furnished to the Governor by the Secretary of State.

3. Previous to the meeting of any Joint Assembly, for the purpose of electing county officers and Judges of Probate, the members of the Senate and House of Representatives, from the several counties, shall meet in conventions, and make a nomination, of all the officers to be elected in their respective counties, and the members of the Senate and House of Representatives residing in the several Probate Districts, shall meet in convention and make nomination of the Judges of Probate for their respective districts, and present the same for the consideration of the Joint Assembly; and no nomination of any county officers or Judges of Probate shall be finally acted on by the Joint Assembly, until the same shall have been respectively submitted to the aforesaid conventions.

4. The rules of the Senate, so far as applicable, shall be observed in regulating the proceedings of every Joint Assembly.

5. A joint committee of three Senators and three Representatives shall be appointed by the presiding officers of the two houses respectively, to whom may be referred all documents transmitted by the Governor for the use of the General Assembly, who shall report thereon to that House from which they were received.

6. The committees of the Senate and House of Representatives, to whom the same subject matter shall have been referred, may, for the purpose of facilitating business, meet together as a joint committee, and make a joint or separate report to either or both houses, as they may think expedient.

7. In every case of disagreement between the Senate and House of Representatives, if either shall request a conference and appoint a committee for that purpose, and the other shall also appoint a committee on its part, such committees shall meet, at a convenient hour, to be agreed upon by their chairman, in the conference room, and state to each other, verbally, or in writing, the reasons of each house for its vote on the subject matter of disagreement, confer freely thereon, and make report of their doings to their respective houses, as soon as may be.

8. Committees of conference shall consist of an equal number from each house, and shall return the papers referred to them to that house which last voted upon the subject matter of disagreement.

9. When bills are on their passage between the two houses, they shall be under the signature of the Secretary or Clerk of each house respectively.

10. After bills have passed both houses, and a certificate showing the one in which they respectively originated, has been duly endorsed thereon, they shall be delivered to a joint standing committee of two Senators and two members of the House of Representatives, to be designated the Committee on Bills, who shall make careful examination, and see that they are correctly engrossed, and when satisfied of their accuracy, shall present them, first to the Speaker of the House of Representatives, and then to the President of the Senate, for their official signatures, and having obtained them, they shall forthwith deliver them to the Governor for his approbation, and shall make true report to both houses of the day on which each bill was so delivered to the Governor, which shall be duly entered on the journal of each house.

11. When a bill or resolution which shall have passed one house, is

rejected in the other, notice thereof shall be given to the house in which the same shall have passed; and all such rejected bills or resolutions, with the accompanying papers, shall be returned to, and left in the custody of, the house which first acted upon them.

12. Each house shall transmit to the other all papers on which any bill or resolution shall be founded; and should such bills or resolutions pass both houses, the same papers shall be delivered to the Governor.

13. After each house shall have adhered to the vote of disagreement, a bill or resolution shall be lost.

14. No bill which shall have passed one house shall be sent to the other for concurrence, on either of the last two days of the session.

Mr. Read moved that a message be sent to the House of Representatives, requesting that body to return to the Senate the resolution providing for the election of a Senator to represent this State in the Congress of the United States, for six years from the 3d day of March next, which resolution had been sent to the House of Representatives, on Saturday last, with the concurrence of the Senate in the passage thereof.

Whereupon the President decided that the motion was not in order, and no appeal being taken from the decision of the President, the motion was not entertained by the Senate.

A communication was received, and read, from the Auditor of Accounts against the State, accompanying his annual report.

And, on motion of Mr. Briggs, it was

*Ordered*, That the Auditor's Report be referred, without being read, to the Committee on Finance.

Mr. Woodbridge presented the petition of Daniel Gay Jr. and others, praying that James M. Greeley may be restored to certain forfeited rights and privileges.

And it was read, and referred to the Committee on the Judiciary.

Mr. Read introduced the following resolution:

*Resolved*, by the Senate and House of Representatives, That the two Houses do, on Friday next, at three o'clock in the afternoon, proceed to execute the duty of electing a Senator to represent this State in the Congress of the United States for six years from and after the 3d day of March next, in conformity with the requirements of the Statute in such case provided; and that a joint resolution of the two Houses providing for an election of Senator on Wednesday the 16th of October instant, be, and the same hereby is, rescinded.

And on the question, "Shall this resolution pass?" the yeas and nays, being demanded by Mr. Harris, were taken and were as follows:

Those Senators who voted in the affirmative, are,

Messrs. J. Barrett, Button, Camp, Green, Hurd, Marshall, B. F. Morgan, Noyes, Read, Reynolds, Richardson, Sabin, Scott, Stone, and Woodbridge.—15.

Those Senators who voted in the negative are,

Messrs. T. T. Barrett, Bass, Billings, Briggs, Cahoon, Chittenden, Griswold, Harris, Hubbard, Phillips, Rich, Thompson, and Winn.—13.  
So the resolution was passed.

(S. 4.) Mr. Griswold introduced a bill entitled "An act relating to the Grand List."

And it was read the first and second times, and

On motion of Mr. Camp,  
Referred to a select Committee of three Senators.

On motion of Mr. Richardson,  
The Senate adjourned.

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**TUESDAY, Oct. 15, 1844.**

Prayer by Rev. Dr. Vermilye.

The Journal of yesterday was read and approved.

Mr. Green presented the petition of Fletcher Tarble, praying for compensation for pursuing a thief.

And it was read and referred to the Committee on Claims.

Mr. Read presented the memorial of George B. Shaw and 63 other legal voters of Burlington, praying for a law authorizing the election of Commissioners to regulate the traffic in intoxicating drinks.

And it was read and referred to a select Committee.

Mr. Briggs called up, for the consideration of the Senate, the petition on the table, of Asahel Durkee and others; and, on his motion, it was referred to the select Committee on the memorial of George B. Shaw and others.

Mr. Briggs introduced the following resolution, which was read and passed:

*Resolved*, That so much of the Governor's message as relates to the subject of licenses for the sale of spirituous liquors be referred to the select committee raised on the memorial of George B. Shaw and others.

Mr. Thompson presented the petition of H. N. Groves and others, praying for a repeal of existing license laws.

And it was read, and referred to the select committee on the memorial of George B. Shaw and others.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have, on their part, adopted the Joint Rules reported by the Joint Committee of the two Houses.

Mr. Morgan introduced the following resolution, which was read and passed:

*Resolved*, That so much of the Governor's message as relates to the subject of Education, be referred to the Committee on Education.

Mr. Woodbridge introduced the following resolution:

*Resolved*, That so much of the Governor's message as relates to the exacting unlawful interest, be referred to the Judiciary Committee.

And, on motion of Mr. Briggs, the resolution was amended by striking out the word "Judiciary" and inserting the word "select."

And, thus amended, it was passed.

Mr. J. Barrett introduced the following resolution, which was read and passed:

*Resolved*, That so much of the Governor's message as relates to the subject of the Vermont Asylum for the Insane, and of the Insane Poor, be referred to the Committee on Finance.

Mr. Sabin introduced the following resolution, which was read and passed:

*Resolved*, That so much of the Governor's message as relates to the subject of the annexation of Texas, and the subject of Slavery, be referred to a select Committee.

(S. 5.) Mr. Camp, from the Committee on Finance, to whom had been referred the resolution relating to a Geological Survey of the State, reported a bill entitled "An act to provide for a Geological Survey of the State."

And it was read the first and second times, and considered by the Senate as in Committee of the Whole, who reported the same without amendment;

And, on motion of Mr. Reynolds, it was

*Ordered*, to be laid on the table.

(S. 3.) Mr. Camp, from the same Committee, to whom had been referred the bill entitled "An act making provisions for a further compensation of County Clerks in certain cases," reported the same without amendment.

And it was further considered by the Senate as in Committee of the Whole; and, without reporting the same, it was

*Ordered*, to be laid on the table.

Mr. J. Barrett introduced the following resolution, which was read and referred to the Committee on the Judiciary:

*Resolved*, by the Senate and House of Representatives, That the Librarian be directed to deliver one copy of the 14th Volume of Vermont Reports to the representative of each of such towns in this State as have already received the previous volumes, and have received no copy of said 14th volume.

Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the petition of Daniel Gay jr. and others, in behalf of James M. Greeley, reported the same with the opinion of the Committee that legislative action is inexpedient in the premises; and on his motion,

The petitioners had leave to withdraw their petition.

Mr. Briggs presented the memorial of Chester Carpenter and others, praying for a division of the funds arising from the County Grammar School lands in Orleans County.

And it was read, and, on motion of Mr. Briggs, referred to the Committee on Education.

Mr. Read called up, for the consideration of the Senate, the resolution,

on the table, providing for an amendment of the 41st Rule of the Senate.  
And it was passed, and the Rule  
*Ordered, to be so amended.*

On motion of Mr. J. Morgan,  
The Senate adjourned.

## AFTERNOON.

The President announced the appointment of the following committees :  
On the memorial of George B. Shaw and others, Messrs. Briggs, Read, and Reynolds.

On so much of the Governor's message as relates to the subject of unlawful interest, Messrs. Woodbridge, Phillips and J. Morgan.

On so much of the Governor's message as relates to the subject of Slavery and the Annexation of Texas to this Union, Messrs. Sabin, Camp, and Scott.

(S. 4.) On the bill entitled "An act relating to the Grand List," Messrs. Griswold, Chittenden, and Winn.

On Bills, Messrs. Thompson and Richardson.

The President also announced the appointment of Edward B. Chamberlain, under the rules, as a Messenger in the Senate.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT :—The House of Representatives concur with the Senate in passing the resolution providing for the election of a Senator to represent this State in the Congress of the United States for six years from and after the third day of March next, and rescinding the joint resolution of the two Houses, heretofore passed, on the same subject.

Mr. Bass introduced the following resolution, which was read and passed :

*Resolved,* That the Committee on Education be instructed to inquire into the expediency of repealing so much of Section 18 of Chapter 18 of the Revised Statutes as provides for the raising of money on the scholar for the support of Common Schools.

The hour appointed for a Joint Assembly of the two Houses having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the Joint Assembly,

On motion of Mr. Camp,  
The Senate adjourned.

WEDNESDAY, Oct. 16, 1844.

Prayer by Rev. Dr. Brigham.

The Journal of yesterday was read and approved.

(S. 6.) Mr. J. Barrett introduced a bill entitled "An act in amendment of Chapter 25 of the Revised Statutes."

And it was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Harris called up, for the consideration of the Senate, the resolution, on the table, providing for a Joint Assembly to elect a Reporter of the Decisions of the Supreme Court; and, on his motion, it was amended by striking out the words "Tuesday next, October 15th," and inserting the words "Friday next, October 18th."

And, thus amended, it was passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution, providing for a Joint Assembly to elect a Bank Commissioner and Bank Committee for the year ensuing, in which they request the concurrence of the Senate.

The resolution of the House of Representatives, providing for a Joint Assembly of the two Houses on Saturday next at 10 o'clock, A. M., for the purpose of electing a Bank Commissioner and Bank Committee for the year ensuing, was read, and

Passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed bills of the following titles:

(H. 3.) "An act altering the name of Phebe Eliza Dow."

(H. 9.) "An act constituting Barna Cook heir-at-law of Barna A. Cook"

(H. 11.) "An act altering the name of Hiram Hoar and others."

In which they request the concurrence of the Senate.

(H. 3.) (H. 9.) (H. 11.) The bills from the House of Representatives, No. 3, No. 9, and No. 11, were severally read the first and second times, and referred to the Committee on the Judiciary.

On motion of Mr. Briggs,  
The Senate adjourned.

## AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed resolu-

tions providing for a Joint Assembly to elect a Superintendent, Chaplain, and three Directors of the State Prison for the year ensuing, and also providing for a Joint Assembly to elect a Secretary of State, a Reporter of the Decisions of the Supreme Court, and a Sergeant-at-Arms for the year ensuing.

They have also passed bills of the following titles:

- (H. 4.) "An act relating to the Judiciary," and  
(H. 7.) "An act altering the name of Joseph Randall."

In which they request the concurrence of the Senate.

Mr. J. Barrett, from the Committee on the Judiciary, to whom had been referred the resolution, stated on the Journal of yesterday, providing for the further distribution of the 14th Volume of Vermont Reports, reported the said resolution with the proposal to amend the same by striking out all after the words "*Resolved*, by the Senate and House of Representatives," and inserting as follows:

"That the Librarian be directed to deliver one copy of the 14th Volume of Vermont Reports, when called for, to the representative, town clerk, or other agent, of such towns in this State as have received previous volumes thereof by direction of the Legislature and have not received said 14th Volume, and take his receipt therefor; and to deliver, when called for, one copy of every subsequent volume thereof, which he shall receive for that purpose, to the representative, town clerk, or other agent of each organized town in this State, and take his receipt therefor; and that the volumes of said Reports which have been or shall be received by any town in this State, by direction of the Legislature, shall be kept in the town clerk's office for the use and benefit of the inhabitants of such town, and shall not be sold nor disposed of by or in behalf of such town."

And the amendment was adopted, and the resolution, as amended, passed.

(H. 4.) (H. 7.) House bill No. 4 and House bill No. 7 were severally read the first and second times, and referred to the Committee on the Judiciary.

The resolution of the House of Representatives, providing for a Joint Assembly to elect a Superintendent, Chaplain, and three Directors of the State Prison, was read, and passed in concurrence.

The resolution from the House of Representatives, providing for a Joint Assembly to elect a Secretary of State, a Reporter of the Decisions of the Supreme Court, and a Sergeant-at-Arms, for the year ensuing, was read.

Mr. Billings moved to amend the same by striking out the word "Saturday," and inserting the word "Friday."

And pending this motion, the resolution was, on motion of Mr. Briggs, *Ordered*, to be laid on the table.

Mr. J. Barrett presented the petition of Daniel Ransom and 34 others, of the town of Woodstock, praying that property owned by towns shall be set in the Grand List, to be assessed and taxed for school district purposes.

And it was read, and referred to the select committee on the bill entitled "An act relating to the Grand List."

Mr. Camp introduced the following resolution, which was read and passed:

**Resolved**, That the Committee on the Judiciary be instructed to inquire and report their opinion to the Senate:—

1. Whether, in the publication of the Journals of the Senate and House of Representatives, as provided for in Chapter 5 of the Revised Statutes, either House has power to include any matter extraneous to their "votes and proceedings," as expressed in Part 2, Section 14, of the Constitution of this State;

2. Whether matter not required, nor sanctioned by existing laws, is printed in either the Journal of the Senate or House of Representatives, or the appendices to the same, for the year 1843; and if, in their opinion, they do embrace any such matter, that they report a list, schedule, or description, of it;

3. Whether either the Senate or House of Representatives, without the concurrence of the other, has power to make any disposition of the votes and proceedings of the Joint Assembly, or of a joint committee, created by the concurrent action of the two Houses, and incorporate and print the same with its Journal;

4. Whether the Secretary of State, having the custody of the Journal of the Joint Assembly, is bound to obey the order of either House, unaccompanied by the concurrent action of the other, to furnish a copy of such Journal for publication;

5. Whether the Auditor of Accounts has power to audit and allow the accounts of the printer of the Journals of the Senate and House of Representatives for matter printed therein without the authority of law.

(S. 5.) Mr. Camp called up, for the consideration of the Senate, the bill, on the table, entitled "An act to provide for a Geological Survey of the State;"

And, without considering the same, it was, on motion of Mr. Cahoon,  
*Ordered*, to be again laid on the table.

On motion of Mr. Camp,  
The Senate adjourned.

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THURSDAY, Oct. 17, 1844.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution providing for the election of a Reporter of the Decisions of the Supreme Court for the year ensuing.

Mr. Scott introduced the following resolution, which was read and passed.

*Resolved*, That the select committee raised on the subject of the Grand List be directed to inquire into the expediency of so altering the Listing Law, that an assessment of the real estate be made in April 1845, and every three years thereafter.

Mr. Briggs called up, for the consideration of the Senate, the resolution of the House of Representatives, on the table, providing for a Joint Assembly to elect a Secretary of State, Reporter of the Decisions of the Supreme Court, and a Sergeant-at-Arms, for the year ensuing; and on his motion, it was

*Ordered*, to be amended by striking out the words "a Reporter of the Decisions of the Supreme Court."

And, thus amended, it was passed in concurrence.

(S. 7.) Mr. Briggs introduced a bill entitled "An act in amendment of Section 2 of Chapter 95 of the Revised Statutes."

And it was read the first and second times, and referred to the Committee on the Judiciary.

(S. 8.) Mr. Green introduced a bill entitled "An act in alteration of Chapter 25 of the Revised Statutes, relating to Bills of Exceptions."

And it was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Camp, from the Committee on Finance, to whom had been referred the resolution, stated on the Journal of Tuesday, referring so much of the Governor's message as relates to the subject of the Vermont Asylum for the Insane, and of the Insane Poor, to that Committee, requested that the Committee be discharged from the further consideration thereof.

And the question being taken, the request was denied.

(S. 5.) Mr. Briggs called up, for the consideration of the Senate, the bill on the table, entitled "An act to provide for a Geological Survey of the State."

And it was

*Ordered*, To be engrossed and read the third time.

(S. 9.) Mr. Woodbridge introduced a bill entitled "An act in relation to the settlement of Accounts of Administrators, Executors, Guardians, and Trustees."

And it was read the first and second times, and referred to the Committee on the Judiciary.

On motion of Mr. Briggs,  
The Senate adjourned.

## AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives concur with the Senate, and adopt their amendment to the resolution providing for a Joint As-

sembly to elect a Secretary of State, Reporter of the Decisions of the Supreme Court, and Sergeant-at-Arms, for the year ensuing.

They also concur with the Senate in passing the resolution providing for the distribution of the 14th and subsequent volumes of Vermont Reports.

The hour designated for a Joint Assembly of the two Houses having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the Joint Assembly,

On motion of Mr. Sabin,  
The Senate adjourned.

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FRIDAY, Oct. 18, 1844.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 5.) The engrossed bill entitled "An act to provide for a Geological Survey of the State" was taken up for the consideration of the Senate.

It was read the third time, and, on motion of Mr. Cahoon,  
*Ordered*, to be laid on the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for the election of a Senator to represent this State in the Congress of the United States, and rescinding a former resolution on the same subject, and bills of the following titles:

(H. 17.) "An act in addition to 'An act relating to Banks,' approved October 28, 1840."

(H. 20.) "An act to alter the name of Edgar Garrison."

(H. 28.) "An act to incorporate the Bakersfield Academical Institution." In which resolution and bills they request the concurrence of the Senate.

The hour designated for a Joint Assembly of the two Houses having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the Joint Assembly,

The resolution of the House of Representatives providing for a Joint Assembly on Monday next, at 3 o'clock p. m., to elect a Senator to represent this State in the Congress of the United States, was taken up, and Passed in concurrence.

(H. 28.) House bill No. 28 was taken up, read the first and second times, and referred to the Committee on Education.

(H. 20.) House bill No. 20 was taken up, read the first and second times, and referred to the Committee on the Judiciary.

(H. 17.) House bill No. 17 was taken up, read the first and second times, and referred to the Committee on Education.

(S. 10.) Mr. Briggs introduced a bill entitled "An act relating to Fees." And it was read the first and second times, and referred to the Committee on Finance,

On motion of Mr. Cahoon,  
The Senate adjourned.

#### AFTERNOON.

(S. 11.) Mr. Woodbridge introduced a bill entitled "An act relating to the Corporation of the City of Vergennes."

And it was read the first and second times, and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives have passed a bill (H. 29) entitled "An act to pay Silas Barrett the sum therein mentioned," in which they request the concurrence of the Senate.

(H. 29.) House bill No. 29 was read the first and second times, and referred to the Committee on Claims.

Mr. Camp introduced the following resolution, which was read and passed:

*Resolved*, That so much of the Governor's message as relates to the protection of American labor and capital, in their competition with the labor and capital of foreign countries; also so much of the Governor's message as relates to the distribution to the States of the proceeds of the Public Lands, be referred to a select committee.

A communication accompanied by a report, was received from Messrs. D. M. Camp, Wm. Hebard, and George C. Cahoon, the committee raised in conformity with a joint resolution of the last session, on the subject of the Insane Poor.

The said report was read, and referred to the committee raised in pursuance of the 5th Joint Rule, to consider documents transmitted to either House for the use of the General Assembly, and is as follows: [See App.]

The President announced the appointment of Messrs. Camp, Reynolds, and Hubbard, as the Committee, on the part of the Senate, to whom may be referred documents transmitted to either House for the use of the General Assembly.

On motion of Mr. Chittenden,  
The Senate adjourned.

SATURDAY, Oct. 19, 1844.

**Prayer by the Chaplain.**

The Journal of yesterday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

**Mr. PRESIDENT:**—The House of Representatives have passed a bill (H. 1) entitled "An act to incorporate the Windsor County Bank," in which they request the concurrence of the Senate.

The House of Representatives have appointed Mr. Whittemore of Milton, Mr. Sanborn of Strafford, and Mr. Warner of Middlebury, as the Committee, on their part, on documents transmitted to either House for the use of the General Assembly.

(S. 12.) Mr. Briggs introduced a bill entitled "An act in addition to an act incorporating the Champlain and Connecticut River Rail Road Company, approved November 1, 1843."

And it was read the first and second times, and referred to the Committee on Roads.

Mr. Briggs introduced the following resolution, which was read and passed :

**Resolved**, by the Senate and House of Representatives, That the Governor be requested to appoint some person to make a digested index of all such portions of the Revised Statutes passed in 1839 as have been repealed or altered; and all public acts of this State passed since said revision, with the public laws passed at the present session of this Legislature, and cause the same to be published with the laws passed at this session; Provided the whole expense of publishing, with compiling the same, shall not exceed one hundred dollars; and provided it shall not cause a delay in the publication of the laws passed at the present session, of more than ten days.

(S. 13.) Mr. Briggs introduced a bill entitled "An act relating to Parties in Actions, in addition to Chapter 95, Section 20, of the Revised Statutes."

And it was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Camp introduced the following resolution :

**Resolved**, That the Committee on Elections be instructed to inquire into the expediency of providing by law, that, on the third ballot for representative, in any town in this State, a plurality, instead of a majority, shall be sufficient to constitute an election.

And it was read, and on motion of Mr. Richardson,

**Ordered**, to be laid on the table.

The hour, designated for a Joint Assembly of the two Houses, having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the Joint Assembly,

Mr. B. F. Morgan, from the Committee on Education, to whom had been referred the resolution, stated on the Journal of Tuesday last, rela-

ting to a repeal of Section 18 of Chapter 18 of the Revised Statutes, reported the opinion of the Committee to be adverse to the expediency of any legislative action thereon.

(H. 1.) House bill No. 1 was read the first and second times, and referred to the Committee on Banks.

(H. 4.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill No. 4, entitled "An act relating to the Judiciary," reported the same with the opinion of the Committee that it ought not to pass; and, on his motion, it was

*Ordered*, to be laid on the table.

The President announced the appointment of Messrs. J. Morgan, Marshall, and J. Barrett, as the select committee on the resolution, stated on the Journal of yesterday, relative to the subjects of Protection and Distribution.

On motion of Mr. Briggs,  
The Senate adjourned.

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## MONDAY, Oct. 21, 1844.

Prayer by the Chaplain.

The Journal of Saturday was read and approved.

(S. 14.) Mr. T. T. Barrett introduced a bill entitled "An act in relation to the State Prison."

And it was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Camp presented the following resolution, which was read and passed:

*Resolved*, That the Sergeant-at-Arms be instructed to inform the Senate, whether the bell and apparatus connected therewith, heretofore purchased by the State and used on the old State House, has been sold by any agent of the State duly authorized for that purpose; whether the avails thereof have come into the State Treasury; or whether the said bell has been lost or destroyed, and, if any, what person or persons are liable therefor.

Mr. B. F. Morgan presented the following resolution, which was read and passed.

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of so amending Section 32 of Chapter 18 of the Revised Statutes, as to make it the duty of each school District to apply the

public money solely to the payment of competent teachers, exclusive of their board.

(H. 28.) Mr. Sabin, from the Committee on Education, to whom had been referred the House bill No. 28, reported the same with the opinion of the Committee, that it ought to pass.

And, on motion of Mr. Billings, it was  
*Ordered*, to be laid on the table.

(S. 15.) Mr. Winn introduced a bill entitled "An act in relation to District Schools."

And it was read the first and second times, and referred to the Committee on Education.

The following communication was received from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs:

*To the Senate:*

I transmit, herewith, for the use of the General Assembly, the annual Report of the Quarter Master General, accompanied by statements exhibiting the amount and condition of the public military property, and the expenditures in that department during the year ending the 31st day of August, 1844.

I also transmit the Report of the Commissioner of the Deaf and Dumb and Blind, and Insane; and the return of the Inspector General of Beef and Pork.

I have the honor, also, to inform the Senate that I have communicated to the House of Representatives, for the use of the General Assembly, the resolutions received from several States of the Union, referred to in my message of the 11th instant.

WILLIAM SLADE.

EXECUTIVE CHAMBER, }  
October 21, 1844. }

The documents accompanying the communication from the Governor were referred, without reading, to the Committee raised on documents transmitted to either House for the use of the General Assembly.

Mr. Stone presented the petition of Pearl L. Castle and 85 others, praying for a law providing for the election of Commissioners to grant or withhold licenses for the sale of Intoxicating Drinks.

And it was read and referred to the select committee raised on the memorial of George B. Shaw and others.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution relative to a reduction of postage, and to the franking privilege.

They have, also, passed bills of the following titles:

(H. 27.) "An act to annex part of the town of Dummerston to the town of Putney."

(H. 30.) "An act in addition to Chapter 31 of the Revised Statutes, relating to Depositions and Witnesses."

(H. 34.) "An act in relation to appeals from Courts of Probate and Commissioners on Estates."

(H. 37.) "An act relating to the Bank of Windsor."

In which resolution and bills, they request the concurrence of the Senate.

MONDAY, OCT. 21, 1844.

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The resolution of the House of Representatives, relative to a reduction of postage, and an abridgement of the franking privilege, was read.

And on motion of Mr. Briggs,  
*Ordered*, to be laid on the table.

(H. 30.) (H. 34.) House bill No. 30 and House bill No. 34 were severally read the first and second times, and referred to the Committee on the Judiciary.

(H. 27.) House bill No. 27 was read the first and second times, and referred to the Committee on Agriculture.

(H. 37.) House bill No. 37 was read the first and second times, and referred to the Committee on Banks.

On motion of Mr. Rich,  
The Senate adjourned.

## AFTERNOON.

Mr. Cahoon, from the Committee on the Judiciary, to whom had been referred the resolution, stated on the Journal of the 11th instant, relative to a modification of Section 15 of Chapter 28 of the Revised Statutes, reported the said resolution with the opinion of the Committee that no legislation is expedient with reference to the subject matter thereof.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution providing for the publication of a digested Index of certain portions of the Revised Statutes and of all other laws passed since that revision.

(S. 9.) Mr. Cahoon, from the Committee on the Judiciary, to whom had been referred the bill entitled "An act in relation to the settlement of accounts of Administrators, Executors, Guardians, and Trustees," reported the said bill with the opinion of the Committee that it ought not to pass.

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative.

The Senate took up the resolution of the House of Representatives, providing for a Joint Assembly on Tuesday next, at 10 o'clock A. M., to elect Judges of the Supreme Court, and Secretary of State for the year ensuing.

Mr. Briggs moved to amend the same by striking out the word "Tuesday," and inserting in lieu thereof the word "Thursday," and by striking out the words "and Secretary of State."

And it was so ordered.

And the resolution, thus amended, was passed in concurrence.

The hour designated by the concurrent resolution of the two Houses, for electing a Senator to represent this State in the Congress of the Uni-

ted States, for the term of six years, commencing with the 4th day of March next, having arrived, it was

*Ordered*, That the Secretary inform the House of Representatives that the Senate are now ready to proceed, on their part, to effect such election.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives are ready to proceed to the election, on their part, of a Senator to represent this State in the Congress of the United States for the term of six years from the 4th of March next, in conformity with the concurrent resolution of the two Houses.

Whereupon,

The Senate proceeded to ballot for a Senator in Congress as aforesaid.

The balloting was suspended for the reception of a message from the House of Representatives, by Mr. Merrill, their Clerk, as follows:

MR. PRESIDENT:—The House of Representatives have made choice, on their part, of a Senator to represent this State in the Congress of the United States, and are now ready to meet the Senate in Joint Assembly, to compare the proceedings of the two Houses, and to complete the election.

The Senate resumed the balloting.

Mr. Richardson moved that the Senate do now adjourn.

Mr. Briggs raised the question, that a postponement of the action of the Senate under a joint resolution of the two Houses, could only be effected by a like concurrent order, and therefore that the motion to adjourn is not in order.

The President overruled the point of order, and decided that the motion of Mr. Richardson is in order.

From this decision an appeal to the Senate was taken by Mr. Briggs. And the question, Shall the decision of the Chair stand as the judgment of the Senate? being taken, was decided in the affirmative.

So the decision of the Chair was sustained by the Senate.

And the question recurring on the motion of Mr. Richardson,  
The Senate adjourned.

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TUESDAY, Oct. 22, 1844.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 16.) Mr. Button introduced a bill entitled "An act in amendment of Sections 1 and 2 of Chapter 57 of the Revised Statutes, entitled 'Of the limitation of Actions.'"

And it was read the first and second times, and referred to the Committee on the Judiciary.

The Senate resumed the balloting for a Senator in Congress, in conformity with the concurrent resolution of the two Houses,

And without making choice,

On motion of Mr. Richardson,

The Senate adjourned.

### AFTERNOON.

(S. 17.) Mr. Woodbridge, from the select committee to whom had been referred, by the resolution, stated on the Journal of the 15th instant, so much of the Governor's message as relates to usurious Interest, reported a bill entitled "An act relating to Interest."

And it was read the first and second times, and,

On motion of Mr. Woodbridge,

Ordered, to be laid on the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives concur with the Senate in their amendment to the resolution providing for a Joint Assembly to elect Judges of the Supreme Court and a Secretary of State for year ensuing.

(S. 7.) Mr. J. Barrett, from the Committee on the Judiciary, to whom had been referred the bill entitled "An act in amendment of Section 2 of Chapter 95 of the Revised Statutes," reported the same with the proposition to amend by substituting therefor, a bill making similar provisions, and entitled "An act in addition to Chapter 95 of the Revised Statutes, 'To prevent setting fire with intent to burn buildings, &c.'"

The amendment was adopted, and the bill, thus substituted,

Ordered, To be engrossed and read the third time.

(S. 18.) Mr. Read introduced a bill entitled "An act in addition to an act entitled 'An act relating to Costs in Civil Actions.'"

And it was read the first and second times, and referred to the Committee on the Judiciary.

(S. 19.) Mr. J. Barrett introduced a bill entitled "An act in addition to Chapter 25 of the Revised Statutes, authorizing the Governor to appoint a Commissioner to hold County Courts in certain cases."

And it was read the first and second times, and referred to the Committee on the Judiciary.

(S. 20.) Mr. J. Barrett introduced a bill entitled "An act in amendment of Chapter 1 of the Revised Statutes, relating to the election of Town Representatives."

And it was read the first and second times, and referred to the Committee on Elections.

(S. 8.) Mr. Cahoon, from the Committee on the Judiciary, to whom had been referred the bill entitled "An act in alteration of Chapter 25 of the Revised Statutes, relating to Bills of Exceptions," made an adverse report thereon.

And the third reading thereof was refused.

(S. 1.) (S. 22.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill entitled "An act in amendment of Chapter 95 of the Revised Statutes, entitled 'Of Offences against Private Property,'" reported the same with the proposal to amend by substituting therefor a bill of similar provisions entitled "An act relating to Offences against Private Property, in addition to Chapter 95 of the Revised Statutes."

And the proposed amendment was adopted, and the bill substituted.  
*Ordered*, to be laid on the table.

The following communication was received from the Sergeant-at-Arms, in obedience to the resolution of the Senate, on the Journal of yesterday:

SERGEANT-AT-ARMS' OFFICE, }  
October 21, 1844. }

HON. HORACE EATON,

*President of the Senate:*

SIR: — In compliance with a resolution passed by the Hon. Senate, Oct. 21, 1844, instructing me to inform them in relation to the State Bell and apparatus, I would beg leave to say; — That upon inquiry it is found that the State Bell was removed to the old court-house, in Washington county, w'th the consent of A. B. Young, Esq., Superintendent of the building of the State House, with the understanding that the county should furnish the apparatus for hanging said Bell, and further that said Bell should be used for the benefit of the State and county. The said Bell remained in the old court-house until the fall of 1842, when it was removed to the new court-house, by the Sheriff of Washington county, without the consent of the Sergeant-at-Arms. The said Bell remained in the new court-house until the fall of 1843, when said court-house was burnt, and the Bell was melted.

Very respectfully, your ob't servant,

WILLIAM T. BURNHAM, *Sergeant-at-Arms.*

The hour designated for a Joint Assembly of the two Houses having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the Joint Assembly,

Resumed the balloting for a Senator in Congress, in pursuance of the concurrent resolution of the two Houses.

And, without having made choice,

On motion of Mr. Cahoon,

The Senate adjourned.

## WEDNESDAY, Oct. 23, 1844.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(H. 17.) Mr. Stone, from the Committee on Banks, to whom had been referred the House bill entitled "An act in addition to an act in relation to Banks, approved October 28, 1840," reported the same without amendment.

And it was read the third time, and,

On motion of Mr. Camp,

Referred to the Committee on the Judiciary.

(S. 20.) Mr. Woodbridge, from the Committee on Elections, to whom had been referred the bill entitled "An act in amendment of Chapter 1 of the Revised Statutes, relating to the election of Town Representatives," reported the same with the proposition to amend by adding a proviso to Section 1, as follows:

"Provided, That if no person, on said third ballot, shall receive a plurality of all the votes given, the presiding officer shall declare the polls closed, and receive no more votes for Representatives as aforesaid at such meeting."

On motion of Mr. Camp, it was

Ordered, That the bill and amendment be laid on the table.

The following communication was received from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs :

To the Senate :

I have the honor to inform you that a vacancy has occurred in the office of Brigadier General of the fourth Brigade, second Division, of the Militia of this State, by the resignation and discharge of Brigadier General Lorenzo Pomeroy.

WILLIAM SLADE.

EXECUTIVE CHAMBER, }  
October 23, 1844. }

(S. 23.) Mr. J. Barrett introduced a bill entitled "An act in amendment of Section 13, Chapter 13, of the Revised Statutes, regulating the election of certain Town Officers in such towns as have or may have 2000 inhabitants."

And it was read the first and second times, and referred to the Committee on Elections.

Mr. Scott presented the following resolution:

*Resolved*, by the Senate and House of Representatives, That our Senators be instructed, and our Representatives in Congress be requested, to use their influence to procure the passage of a law, removing the session of the United States District and Circuit Courts from Rutland and Windsor to Burlington and Montpelier.

And it was read, and,

On motion of Mr. Scott,

Referred to the Committee on the Judiciary.

(H. 1.) Mr. Woodbridge, from the Committee on Banks, to whom had been referred the House bill entitled "An act to incorporate the Windsor County Bank," reported the same without amendment.

The hour, designated for a Joint Assembly of the two Houses, having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the Joint Assembly,

Resumed the balloting for a Senator in Congress, in pursuance of the concurrent resolution of the two Houses.

Whereupon,

On taking and examining the ballots,

HON. STEPHEN ROYCE

was found to be duly elected, on the part of the Senate, a Senator to represent this State in the Congress of the United States, for the term of six years commencing with the 4th day of March next.

On motion of Mr. Briggs, it was

Ordered, That the Secretary acquaint the House of Representatives, that the Senate have, on their part, made choice of a Senator in Congress, pursuant to the concurrent resolution of the two Houses, and are now prepared to meet them in the Hall of the House, to compare their respective proceedings, and complete the election.

The Secretary communicated this message to the House of Representatives.

Whereupon,

The Senate repaired to the Hall of the House of Representatives, for the purpose aforesaid.

And, having returned,

On motion of Mr. J. Morgan,

The Senate adjourned.

## AFTERNOON.

(S. 24.) Mr. Briggs, from the Committee on the Judiciary, reported a bill entitled "An act altering the names of certain persons therein mentioned."

And it was read the first and second times, and

Ordered, to be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 18.) "An act to amend Chapter 63 of the Revised Statutes, relating to Divorce."

(H. 54.) "An act for the relief of Amos Wilkins."

(H. 55.) "An act for the relief of Charles Miller."

(H. 56.) "An act to pay Emily Hatch the sum therein mentioned."

(H. 1.) The Senate took up the House bill entitled "An act to incorporate the Windsor County Bank," which was, this morning, reported from the Committee on Banks without amendment.

And it was read the third time.

Mr. Noyes moved to amend the same by striking from Section 1 the word "four," and inserting in lieu thereof the word "two."

Pending this motion, the bill,

On motion of Mr. J. Barrett, was

*Ordered*, to be laid on the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for a Joint Assembly to elect a Brigadier General of the fourth Brigade, second Division, of the Militia of this State, and, also, bills of the following titles:

(H. 25.) "An act assessing a tax on the County of Addison."

(H. 38.) "An act relating to Common Schools."

In which resolution and bills they request the concurrence of the Senate.

The hour to which the Joint Assembly for electing a Senator in Congress was adjourned having arrived, the Senate repaired to the Hall of the House of Representatives.

And having returned therefrom,

The Senate took up the following bills from the House of Representatives, and they were severally read the first and second times, and referred as follows:

(H. 25.) House bill No. 25, to the Senators from the County of Addison.

(H. 38.) House bill No. 38, to the Committee on Education.

(H. 18.) (H. 55.) House bill No. 18, and House bill No. 55, to the Committee on the Judiciary.

(H. 54.) (H. 56.) House bill No. 54, and House bill No. 56, to the Committee on Claims.

The Senate took up the resolution of the House of Representatives, providing for a Joint Assembly on Saturday next, at 10 o'clock A. M., to elect a Brigadier General of the 4th Brigade, in the 2d Division of the Militia, and

*Resolved*, To pass the same in concurrence.

On motion of Mr. Billings,

The Senate adjourned.

THURSDAY, Oct. 24, 1844.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 25.) Mr. Briggs, from the select committee to whom had been referred the petition of George B. Shaw and others, reported a bill entitled "An act relating to Licenses to Innkeepers and Retailers."

And it was read the first and second times, and,

On motion of Mr. J. Barrett,

*Ordered*, to be again laid on the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a bill (H. 62) entitled "An act altering the name of Lewis Reelyea," in which they request the concurrence of the Senate.

(S. 26.) Mr. Camp, from the Committee raised under the 5th Joint Rule, to whom had been referred the Report of the Committee appointed by the Governor to inquire relative to the Insane Poor who are deemed incurable, reported a bill entitled "An act for the benefit of the Insane Poor."

And, without reading the same, it was, on motion of Mr. Camp,

*Ordered*, to be laid on the table.

Mr. B. F. Morgan, from the Committee on Education, to whom had been referred the memorial of Chester Carpenter and others, stated on the Journal of the 15th instant, made an adverse report thereon, and

On motion of Mr. Cahoon, the memorial was

*Ordered*, to be laid on the table.

(H. 62.) House bill No. 62 was taken up, read the first and second times, and referred to the Committee on the Judiciary.

(S. 21.) The Senate took up the engrossed bill entitled "An act in addition to Chapter 95 of the Revised Statutes, to prevent setting fire with intent to burn buildings, &c."

And it was read the third time and passed.

The hour to which the Joint Assembly for the election of a Senator in Congress was adjourned having arrived, the Senate repaired to the Hall of the House of Representatives.

And having returned therefrom,

A communication was received from the Governor by the hands of Mr. Beaman, Secretary of Civil and Military Affairs, and it was read and is as follows:

*To the Senate:*

I have the honor to inform you that H. E. G. McLaughlin of Chelsea declines to accept the office of Jail Commissioner for the County of Orange, to which he has been elected by the Joint Assembly for the ensuing political year.

WILLIAM SLADE.

EXECUTIVE CHAMBER, }  
October 24, 1844. }

(S. 21.) Mr. Woodbridge called up, for the consideration of the Senate, the bill on the table entitled "An act relating to Interest."

And the question being stated, Shall the bill be engrossed and read the third time?

It was decided in the negative— { Yeas 5,  
Nays 21.

The yeas and nays, being demanded by Mr. Woodbridge, are as follows:

Those Senators who voted in the affirmative are,  
Messrs. Billings, J. Morgan, Phillips, Rich, and Woodbridge.

Those Senators who voted in the negative are,

Messrs. J. Barrett, T. T. Barrett, Bass, Briggs, Button, Camp, Chittenden, Green, Griswold, Harris, Hurd, Marshall, B. F. Morgan, Noyes, Read, Reynolds, Richardson, Sabin, Scott, Stone, and Thompson.

(H. 28.) Mr. Camp called up, for the consideration of the Senate, the House bill, on the table entitled "An act to incorporate the Bakersfield Academical Institution," and moved to amend the same by erasing from Section 5 all after the word "estate," in the fifth line, and inserting in lieu thereof the words "which shall be necessary to promote the object of the Association, and which shall be exclusively devoted to that object."

And it was so ordered.

And, on motion of Mr. Richardson, the bill, as amended, was  
*Ordered*, to be laid on the table.

Mr. Read presented the petition of Anson Shaw and 35 others, praying for a law providing for the election of Commissioners to act on the subject of licensing the sale of Intoxicating Drinks.

And, on his motion, it was

*Ordered*, to be laid on the table.

On motion of Mr. Briggs,  
The Senate adjourned.

## AFTERNOON.

(H. 27.) Mr. Button, from the Committee on Agriculture, to whom had been referred the House bill entitled "An act to annex part of the town of Dummerston to the town of Putney," reported the same, without amendment.

Mr. Briggs moved to amend the said bill, by adding the following proviso to the 1st Section:

"Provided, That this act shall have no force or effect until the said towns of Dummerston and Putney shall have given their assent to this act, in a legal town meeting of said towns."

And it was so ordered.

And the bill, thus amended, was read the third time and passed in concurrence.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs:

Mr. PRESIDENT: — I am directed by the Governor, to transmit to the

Senate, for the use of the General Assembly, the Annual Report of the Adjutant and Inspector General.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution relative to the adjournment of the General Assembly, and a bill (H. 63) entitled “An act for the support and removal of Paupers in the unorganized Towns and Gores in this State.”

In which resolution and bill they request the concurrence of the Senate.

(S. 11.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill entitled “An act relating to the Corporation of the city of Vergennes,” reported the same with the proposal to amend by striking out all after the enacting clause, and inserting sections making similar provisions with those so stricken out.

And the proposed amendment was adopted, and the bill, as amended,  
*Ordered*, to be engrossed and read the third time.

(H. 37.) Mr. Woodbridge, from the Committee on Banks, to whom had been referred the House bill entitled “An act relating to the Bank of Windsor,” reported the same without amendment, and

It was read the third time, and,

On motion of Mr. J. Barrett,  
*Ordered*, to be laid on the table.

(H. 18.) Mr. J. Barrett, from the Committee on the Judiciary, to whom had been referred the House bill entitled “An act to amend Chapter 63 of the Revised Statutes, relating to Divorce,” made an adverse report thereon.

And the third reading thereof was refused.

(S. 14.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill entitled “An act in relation to the State Prison,” made an adverse report thereon.

The Senate proceeded to consider said bill, but without taking any question thereon,

The hour, designated for a Joint Assembly of the two Houses, having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned,

On motion of Mr. Griswold,  
The Senate adjourned.

FRIDAY, Oct. 25, 1844.

## Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 27.) Mr. Read, from the Committee on Claims, to whom had been referred the petition of Fletcher Tarbell, stated on the Journal of the 15th instant, reported a bill entitled "An act to pay Fletcher Tarbell the sum therein mentioned."

And it was read the first and second times, and  
*Ordered*, to be engrossed and read the third time.

(S. 28.) Mr. Griswold introduced a bill entitled "An act for the improvement of the breed of Horses."

And it was read the first and second times, and referred to the Committee on Agriculture.

Mr. Sabin presented the following resolution :

*Resolved*, by the Senate and House of Representatives, That the Secretary of State be directed to deliver to the Librarian of the University of Vermont, one copy of each volume of Vermont Reports, of which he has duplicate copies in his office, and hereafter to deliver one copy of each volume, as published.

And it was read, and, on his motion,

Referred to the Committee on the Judiciary.

(H. 1.) Mr. J. Barrett called up, for the consideration of the Senate, the House bill entitled "An act to incorporate the Windsor County Bank."

And without taking any question thereon, it was, on motion of Mr. Reynolds,

*Ordered*, to be laid on the table.

(H. 28.) Mr. Richardson called up, for the consideration of the Senate, the House bill entitled "An act to incorporate the Bakersfield Academical Institution," and moved to amend the same by adding the following:

"SECTION 7. Any future Legislature may alter, amend, modify, or repeal this act, as the public good may require."

And the question being taken, the amendment was rejected.

And the bill was

*Ordered*, to be read the third time.

And it was read the third time, and passed in concurrence.

(S. 5.) Mr. Camp called up, for the consideration of the Senate, the engrossed bill entitled "An act to provide for a Geological Survey of the State."

And the question being stated, Shall the bill pass?

It was decided in the affirmative, { Yeas, 20,  
} Nays 7.

The yeas and nays, being demanded by Mr. Griswold, are as follows :

Those Senators who voted in the affirmative are,  
Messrs. J. Barrett, T. T. Barrett, Billings, Briggs, Button, Cahoon, Camp, Chittenden, Harris, Hubbard, Hurd, B. F. Morgan, J. Morgan, Read, Reynolds, Rich, Sabin, Scott, Stone, and Woodbridge.

Those Senators who voted in the negative are,

Messrs. Griswold, Marshall, Noyes, Phillips, Richardson, Thompson, and Winn.

So the bill passed.

Mr. Briggs called up, for the consideration of the Senate, the resolution of the House of Representatives designating Wednesday next at 6 o'clock, A. M., as the day for the final adjournment of the General Assembly.

Mr. Camp moved to amend the same by striking out the words "at 6 o'clock in the morning."

Mr. Cahoon moved that the resolution be laid upon the table.

And this motion was lost.

The question recurring on the motion to amend,

It was decided in the negative, { Yeas, 13,  
Nays 15.

The yeas and nays, being demanded by Mr. Camp, are as follows:

Those Senators who voted in the affirmative are,

Messrs. J. Barrett, T. T. Barrett, Billings, Briggs, Button, Cahoon, Camp, Chittenden, Hurd, Rich, Richardson, Sabin, and Scott.

Those Senators who voted in the negative are,

Messrs. Green, Griswold, Harris, Hubbard, Marshall, B. F. Morgan, J. Morgan, Noyes, Phillips, Read, Reynolds, Stone, Thompson, Winn, and Woodbridge.

So the amendment was rejected.

And the resolution was passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT.—The House of Representatives concur with the Senate in passing the bill (S. 21) entitled "An act in addition to Chapter 95 of the Revised Statutes, to prevent setting fire with intent to burn buildings, &c."

(H. 27.) They do not concur in the amendment of the Senate to the bill entitled "An act to annex a part of the town of Dummerston to the town of Putney."

(H. 42.) They have passed a bill entitled "An act to alter the name of William Henry Hosford," in which they request the concurrence of the Senate.

(H. 1.) Mr. J. Barrett called up the House bill entitled "An act to incorporate the Windsor County Bank."

And the question pending, being the motion of Mr. Noyes, to amend the same by striking out from Section 1, the word "four," and inserting in lieu thereof, the word "two,"

It was decided in the negative.

Mr. Richardson moved to amend the said bill by inserting as follows:

"SECTION 10. The corporation created by this act, shall, at all times, be subject to all the provisions of the general laws of this State, relating to Banks and monied corporations."

And the question being stated, Will the Senate so amend the bill?

It was decided in the negative, { Yeas 12,  
Nays 16.

The yeas and nays, being demanded by Mr. Richardson, are as follows:

Those Senators who voted in the affirmative are,

Messrs. Cahoon, Camp, Griswold, Marshall, Noyes, Phillips, Read, Rey-

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nolds, Rich, Richardson, Scott, and Winn.

Those Senators who voted in the negative are,

Messrs. J. Barrett, T. T. Barrett, Billings, Briggs, Button, Chittenden, Green, Harris, Hubbard, Hurd, B. F. Morgan, J. Morgan, Sabin, Stone, Thompson, and Woodbridge.

So the amendment was rejected.

And the bill was

*Ordered*, to be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(S. 11.) Mr. Woodbridge called up, for the consideration of the Senate, the engrossed bill entitled "An act relating to the corporation of the City of Vergennes."

And it was read the third time and passed.

(S. 26.) Mr. Camp called up, for the consideration of the Senate, the bill on the table, entitled "An act for the benefit of the Insane Poor."

And it was read the first and second times, and

*Ordered*, to be engrossed and read the third time.

(H. 54.) Mr. Read, from the Committee on Claims, to whom had been referred the House bill entitled "An act for the relief of Amos Wilkins," reported the same without amendment.

And it was

*Ordered*, to be read the third time.

And it was, therefore,

Read the third time, and passed in concurrence.

On motion of Mr. J. Morgan,  
The Senate adjourned.

## AFTERNOON.

(S. 10.) (S. 29.) Mr. Camp, from the Committee on Finance, to whom had been referred the bill entitled "An act in relation to Fees," reported, as a substitute therefor, a bill entitled "An act relating to the Accounts of County Clerks, in alteration of Chapter 105 of the Revised Statutes."

And the bill, so reported as a substitute, was read the first and second times.

Mr. Woodbridge moved to amend the same by striking out therefrom Section 2.

And it was so ordered.

And the question being, Will the Senate adopt said bill as a substitute for Senate bill No. 10?

It was decided in the affirmative.

And the said bill was

*Ordered*, to be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives have passed a bill (S. 59) entitled "An act in relation to advertisements of sales of Land

for the payment of Taxes," in which they request the concurrence of the Senate.

(H. 28.) The House concur in the amendment of the Senate to the bill entitled "An act to incorporate the Bakersfield Academical Institution."

(S. 4.) Mr. Winn, from the select committee raised on the bill entitled "An act in relation to the Grand List," to whom the said bill had been referred, reported the same without amendment, and it was

*Ordered*, to be engrossed and read the third time.

(H. 25.) Mr. Rich, to whom and his colleague, Mr. Woodbridge, had been referred the House bill entitled "An act assessing a tax on the County of Addison," reported the same without amendment, and it was

*Ordered*, to be read the third time.

And it was read the third time, and passed in concurrence.

The hour designated for a Joint Assembly of the two Houses having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the Joint Assembly,

(H. 38.) Mr. Sabin, from the Committee on Education, to whom had been referred the House bill entitled "An act in relation to Common Schools," reported the same without amendment, and it was

*Ordered*, to be read the third time.

And it was thereupon read the third time, and passed in concurrence.

(S. 15.) Mr. Sabin, from the same Committee, to whom had been referred the bill entitled "An act in relation to District Schools," reported the same with the proposal to amend by adding to Section 1 the words "exclusive of board and wood."

And the bill and amendment proposed were

*Ordered*, to be laid on the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a bill (H. 21) entitled "An act laying a tax on the County of Washington," in which they request the concurrence of the Senate.

Mr. Sabin, from the Committee on Education, to whom had been referred the resolution, stated on the Journal of the 21st instant, reported the same with the opinion of the Committee that no legislative action thereon is expedient.

(H. 30.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill entitled "An act in addition to Chapter 31 of the Revised Statutes, relating to Depositions and Witnesses," reported the same without amendment.

And it was

*Ordered*, to be read the third time.

And it was thereupon read the third time and passed in concurrence.

(S. 6.) Mr. Briggs, from the same Committee, made an adverse report on the bill entitled "An act in amendment of Chapter 25 of the Revised Statutes."

And the question being taken,

The third reading thereof was refused.

(S. 30.) Mr. Griswold; from the select committee raised on the subject

of the Grand List, reported a bill entitled "An act to amend an act in relation to the Grand List."

And it was read the first and second times, and,  
On motion of Mr. Cahoon,  
*Ordered*, to be laid on the table.

(S. 25.) Mr. Briggs called up the bill on the table entitled "An act relating to Licenses to Innkeepers and Retailers."

And, on his motion, it was  
*Ordered*, That said bill be laid on the table, and that the Secretary procure 300 copies to be printed for the use of the Senate.

(H. 17.) Mr. Cahoon, from the Committee on the Judiciary, reported the House bill entitled "An act in addition to an act relating to Banks, approved November 28, 1840," with a proposal to amend the same by striking out all after the enacting clause, and inserting a section in lieu thereof of making similar provision.

And the proposed amendment was adopted, and the bill, as amended, passed in concurrence.

Mr. Griswold presented the following resolution:

*Resolved*, That, in addition to the usual sessions, the Senate meet hereafter at 7 o'clock p. m.

And it was read, and,

On motion of Mr. Briggs,  
*Ordered*, to be laid on the table.

(S. 31.) Mr. Thompson introduced a bill entitled "An act altering the time for holding Courts in Windham and Rutland Counties."

And it was read the first and second times, and, on his motion, referred to the Committee on the Judiciary.

Mr. Thompson, from the Committee on Bills, reported that the following bills had been this day submitted to the Governor for his approval and signature:

(H. 1.) "An act to incorporate the Windsor County Bank."

(H. 28.) "An act to incorporate the Bakersfield Academical Institution."

(H. 54.) "An act for the relief of Amos Wilkins."

(S. 14.) Mr. T. T. Barrett called up, for the consideration of the Senate, the bill on the table entitled "An act in relation to the State Prison."

And the question being stated, Shall the bill be engrossed and read the third time?

It was decided in the affirmative, { Yeas, 22,  
{ Nays, 6.

The yeas and nays being demanded by Mr. J. Barrett, are as follows:

Those Senators who voted in the affirmative are,

Messrs. T. T. Barrett, Billings, Button, Camp, Chittenden, Griswold, Harris, Hubbard, Hurd, B. F. Morgan, J. Morgan, Phillips, Read, Reynolds, Rich, Richardson, Sabin, Scott, Stone, Thompson, Winn, and Woodbridge.

Those Senators who voted in the negative are,

Messrs. J. Barrett, Briggs, Cahoon, Green, Marshall, and Noyes.

So the bill was

*Ordered*, to be engrossed and read the third time.

(H. 29.) Mr. Read, from the Committee on Claims, made an adverse re-

port on the House bill entitled "An act to pay Silas Barrett the sum therein mentioned."

And, on motion of Mr. Billings, said bill was  
*Ordered*, to be laid on the table.

On motion of Mr. Griswold,  
The Senate adjourned.

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SATURDAY, Oct. 26, 1844.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 32.) Mr. Sabin, from the Committee on Education, to whom had been referred the resolution, stated on the Journal of the 15th instant, relating to the subject of Education, reported a bill entitled "An act relating to Common Schools."

And it was read the first and second times, and on his motion,  
*Ordered*, to be laid on the table, and that the Secretary procure 300 copies to be printed for the use of the Senate.

A message in writing was received from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs, relative to an undistributed balance remaining in the hands of the Treasurer of the Surplus Revenue money.

And the said message was read, as follows, and referred to the Committee raised under the 5th Joint Rule :—[See Appendix.]

(H. 21.) House bill No. 21 was read the first and second times, and, on motion of Mr. Briggs,

Referred to the Senators from Washington County.

The Report of the Adjutant and Inspector General was referred, without reading, to the Committee on Military Affairs.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate :  
(H. 81.) "An act in amendment of Section 63, Chapter 28, of the Revised Statutes, relating to Writs of Attachment against the Body."

(H. 84.) "An act to pay Junius Crane the sum therein mentioned."

The following bills from the House of Representatives, were severally read the first and second times, and referred as follows :

(H. 59.) House bill No. 59, to the Committee on Land Taxes.

tions providing for a Joint Assembly to elect a Superintendent, Chaplain, and three Directors of the State Prison for the year ensuing, and also providing for a Joint Assembly to elect a Secretary of State, a Reporter of the Decisions of the Supreme Court, and a Sergeant-at-Arms for the year ensuing.

They have also passed bills of the following titles:  
(H. 4.) "An act relating to the Judiciary," and  
(H. 7.) "An act altering the name of Joseph Randall."

In which they request the concurrence of the Senate.

Mr. J. Barrett, from the Committee on the Judiciary, to whom had been referred the resolution, stated on the Journal of yesterday, providing for the further distribution of the 14th Volume of Vermont Reports, reported the said resolution with the proposal to amend the same by striking out all after the words "*Resolved*, by the Senate and House of Representatives," and inserting as follows:

"That the Librarian be directed to deliver one copy of the 14th Volume of Vermont Reports, when called for, to the representative, town clerk, or other agent, of such towns in this State as have received previous volumes thereof by direction of the Legislature and have not received said 14th Volume, and take his receipt therefor; and to deliver, when called for, one copy of every subsequent volume thereof, which he shall receive for that purpose, to the representative, town clerk, or other agent of each organized town in this State, and take his receipt therefor; and that the volumes of said Reports which have been or shall be received by any town in this State, by direction of the Legislature, shall be kept in the town clerk's office for the use and benefit of the inhabitants of such town, and shall not be sold nor disposed of by or in behalf of such town."

And the amendment was adopted, and the resolution, as amended, passed.

(H. 4.) (H. 7.) House bill No. 4 and House bill No. 7 were severally read the first and second times, and referred to the Committee on the Judiciary.

The resolution of the House of Representatives, providing for a Joint Assembly to elect a Superintendent, Chaplain, and three Directors of the State Prison, was read, and passed in concurrence.

The resolution from the House of Representatives, providing for a Joint Assembly to elect a Secretary of State, a Reporter of the Decisions of the Supreme Court, and a Sergeant-at-Arms, for the year ensuing, was read.

Mr. Billings moved to amend the same by striking out the word "Saturday," and inserting the word "Friday."

And pending this motion, the resolution was, on motion of Mr. Briggs, *Ordered*, to be laid on the table.

Mr. J. Barrett presented the petition of Daniel Ransom and 34 others, of the town of Woodstock, praying that property owned by towns shall be set in the Grand List, to be assessed and taxed for school district purposes.

And it was read, and referred to the select committee on the bill entitled "An act relating to the Grand List."

Mr. Camp introduced the following resolution, which was read and passed:

tective Policy, to a Tariff for protection, to the Tariff act of 1842; who gave his support to reductions of the Tariff, with a view to the final abandonment of the system as *odious* and *unjust*, and who declares that the interests of the producing and exporting States requires the *repeal* of the act of 1842, and the restoration of the Compromise Act of 1833."

And the said resolution was read.

Mr. Noyes moved that it be laid on the table.

And the motion was rejected.

Mr. Scott moved to amend the same by striking out all after the words "National Government."

And this motion was rejected.

And the question being taken,

The resolution was passed.

The second resolution was read, as follows:

2. *Resolved*, That, in the opinion of the Legislature, the Tariff Law of August 30, 1842, has proved highly beneficial to the citizens of Vermont.

Mr. Noyes moved to amend the same by striking out all after the word "*Resolved*," and inserting as follows:

"That the Tariff Law of 1842 ought to be so modified as to give equal protection to American Labor, whether employed in Agriculture, Mechanic Arts, Manufactures, or Commerce, and when so modified, it ought to remain permanent and settled."

And the question being taken, the amendment was rejected.

Mr. Richardson moved to amend the said resolution by adding the words "but that it ought to be so altered as to increase the duty on coarse wool, and reduce the duty on some important necessary articles of consumption."

And the question being, Will the Senate adopt the amendment proposed?

It was decided in the negative, { Yeas, 4,  
Nays 16.

The yeas and nays, being demanded by Mr. J. Barrett, are as follows:

Those Senators who voted in the affirmative are,

Messrs. Noyes, Phillips, Richardson, and Scott.

Those Senators who voted in the negative are,

Messrs. J. Barrett, T. T. Barrett, Billings, Briggs, Button, Camp, Chittenden, Harris, Hubbard, Hurd, J. Morgan, Read, Rich, Sabin, and Winn.

And the question being, Shall the resolution pass?

It was decided in the affirmative, { Yeas 19,  
Nays 1.

The yeas and nays being demanded by Mr. J. Barrett, are as follows:

Those Senators who voted in the affirmative are,

Messrs. J. Barrett, T. T. Barrett, Billings, Briggs, Button, Camp, Chittenden, Harris, Hubbard, Hurd, J. Morgan, Phillips, Read, Rich, Richardson, Sabin, Scott, Stone, and Winn.

The Senator who voted in the negative is,

Mr. Noyes.

The third resolution was read, as follows:

3. *Resolved*. That the distribution of the proceeds of the Public Lands is due as a matter of justice to the States, and necessary to give permanency to the Protective System.

And the question being, Shall the resolution pass?

It was decided in the affirmative, { Yeas, 16,  
Nays, 4.

The yeas and nays being demanded by Mr. J. Barrett, are as follows :  
 Those Senators who voted in the affirmative are,  
 Messrs. J. Barrett, T. T. Barrett, Billings, Briggs, Button, Camp, Chittenden, Harris, Hubbard, Hurd, J. Morgan, Read, Rich, Sabin, Stone, and Winn.

Those Senators who voted in the negative are,  
 Messrs. Noyes, Phillips, Richardson, and Scott.

The fourth resolution was read, as follows :

*4. Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions and influence to procure a just distribution of the Public Lands, and against the repeal of the present Tariff.

Mr. Richardson moved that the resolution be so divided as to take the question first in relation to the Public Lands only.

The Chair decided that the resolution is not divisible.

Mr. Noyes appealed from the decision.

And the question being, Shall the decision of the Chair stand as the judgment of the Senate ?

It was decided in the affirmative.

The question recurring, Shall the resolution pass ?

It was decided in the affirmative— { Yea 16,  
 Nays 3.

The yeas and nays being demanded by Mr. Hurd, are as follows :  
 Those Senators who voted in the affirmative are,  
 Messrs. J. Barrett, T. T. Barrett, Billings, Briggs, Button, Camp, Chittenden, Harris, Hubbard, Hurd, J. Morgan, Read, Rich, Sabin, Stone, and Winn.

Those Senators who voted in the negative are,  
 Messrs. Phillips, Richardson, and Scott.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT :—The House of Representatives have further considered their amendment to the resolution providing for a distribution of the Report of the Auditor of Accounts, and resolve to insist on the same.

The House do not concur with the Senate in passing bills of the following titles :

(S. 26.) "An act for the benefit of the Insane Poor."  
 (S. 36.) "An act in addition to an act incorporating Norwich University."  
 (S. 13.) The House concur with the Senate in passing the bill entitled "An act relating to Parties in Action, in addition to Chapter 95, Section 20, of the Revised Statutes."

(S. 12.) (S. 25.) The House have considered the bills from the Senate entitled "An act in addition to an act incorporating the Champlain and Connecticut River Rail Road Company, approved Nov. 1, 1843," and "An act relating to Licenses to Innkeepers and Retailers," and have passed the same, with amendments, in which they request the concurrence of the Senate.

The House concur with the Senate in their amendments to the bills entitled

(H. 23.) "An act in addition to an act relating to the Grand List, approved Nov. 11, 1841."

(H. 57.) "An act to repeal an act relating to the punishment of Capital Crimes, approved Nov. 12, 1842."

(H. 69.) "An act in addition to Chapter 110 of the Revised Statutes, relating to the production of Silk."

(H. 96.) "An act in relation to the duties of the Bank Commissioner."

I am directed to return to the Senate the Report of the committee appointed by the Governor to examine the papers relating to the early and revolutionary history of Vermont, together with the resolutions of the House thereon, and to repeat the request for the concurrence of the Senate in said resolutions; and I am also directed to transmit to the Senate the Report of the Joint Committee of the two Houses on the Resolves of the States of Massachusetts, Mississippi, and South Carolina, relating to the annexation of Texas to this Union, together with the resolutions thereon which have been adopted by the House.

(S. 25.) The Senate took up the amendments of the House of Representatives to the engrossed bill entitled "An act relating to Licenses to Innkeepers and Retailers," which are as follows:

1. Strike out the 4th clause of Section 2.
2. Strike out, in the 15th line of Section 5, the words "eighth day after the first," and insert in lieu thereof, the word "third."

And the said amendments were adopted in concurrence.

(S. 12.) The Senate took up the amendment of the House of Representatives to the engrossed bill entitled "An act in addition to 'An act incorporating the Champlain & Connecticut River Rail Road Company,' approved November 1, 1843;" which amendment is as follows:

Strike out the whole of Section 3.

And it was

*Resolved*, not to concur therein.

The Senate took up the amendment of the House of Representatives to the resolution providing for a distribution of the Report of the Auditor of Accounts.

And it was

*Resolved*, to insist on their disagreement thereto.

The Senate took up the resolutions of the House of Representatives accompanying the Report of the Committee appointed to examine the papers relating to the early and revolutionary history of Vermont, collected by Henry Stevens, and providing that the Auditor of Accounts audit the claim of Mr. Stevens; and that the Governor be requested to take the necessary steps for the preservation of said papers, and to demand of the General Government the four brass cannon taken from the British at Bennington on the 16th of August, 1777.

And the resolutions were read and passed in concurrence.

The Senate took up the report of the Joint Committee under the 5th Joint Rule, to whom had been referred the Resolves of the Legislatures of Massachusetts, Mississippi, and South Carolina, relative to the annexation of Texas to the United States, and the resolutions adopted thereon by the House of Representatives.

And they were read and passed in concurrence, as follows:—[See Appendix.]

The Senate took up the resolutions of the House of Representatives relating to Domestic Slavery and the annexation of Texas to this Union.

And they were severally acted on as follows:

*Resolved*, by the Senate and House of Representatives of the State of Vermont;

1. That we regard the institution of Slavery as a monstrous anomaly in a free Government, and as the source of intolerable evils; crippling the energies of the Slave States, tending to retard and deaden the enterprise of the Free States, and injuriously affecting the foreign and domestic policy of the General Government; and that we therefore protest against its extension over another foot of territory, and insist upon its restriction to the narrowest limits consistent with the spirit of the original compact between the States.

And the question being, Shall the resolution pass?

It was decided in the affirmative, { Yeas, 21,

The yeas and nays being demanded by Mr. Winn, are as follows:

Those Senators who voted in the affirmative are,

Messrs. J. Barrett, T. T. Barrett, Billings, Briggs, Button, Cahoon, Camp, Chittenden, Harris, Hubbard, Hurd, Marshall, Morgan, Phillips, Read, Rich, Richardson, Sabin, Scott, Stone, and Winn.

And no Senator voting in the negative, the resolution was passed unanimously.

2. *Resolved*, That the annexation of Texas to the United States, without the consent of all the individual States, would be a flagrant violation of the National Compact, tending to a dissolution of the Union, an extension of the odious and ruinous basis of Slave Representation in Congress, and to the perpetuation of Slavery; would establish an intolerable domination of that institution over the Free States, and would justify the secession of the Free States from the Union.

Mr. J. Barrett moved to amend this resolution by striking out the words "and would justify the secession of the Free States from the Union."

And the amendment was ordered.

The question then being, Shall the resolution, as amended, pass?

It was decided in the affirmative, { Yeas, 18,

Nays, 2.

The yeas and nays being demanded by Mr. Chittenden, are as follows:

Those Senators who voted in the affirmative are,

Messrs. J. Barrett, T. T. Barrett, Billings, Briggs, Button, Camp, Chittenden, Harris, Hubbard, Hurd, J. Morgan, Phillips, Read, Rich, Sabin, Scott, Stone, and Winn.

Those Senators who voted in the negative are,

Messrs. Cahoon, and Marshall.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs:

Mr. PRESIDENT: — I am directed by the Governor to announce to the Senate that he has this day approved and signed bills of the following titles: (S. 35.) "An act in addition to an act entitled 'An act to incorporate the New York and Champlain Steamboat Company.'"

(S. 27.) "An act to pay Fletcher Tarbell the sum therein mentioned."

(S. 4.) "An act relating to the Grand List."

(S. 11.) "An act relating to the corporation of the City of Vergennes."

(S. 22.) "An act relating to Offences against Private Property, in addition to Chapter 95 of the Revised Statutes,"

(S. 37.) "An act in amendment of Chapter 18 of the Revised Statutes, entitled 'Of Common Schools.'"

(S. 33.) "An act fixing the times for holding Chittenden County Courts."

(S. 34.) "An act in addition to Chapter 91 of the Revised Statutes, 'Of the preservation of Sheep.'"

(S. 24.) "An act altering the names of certain persons therein mentioned."

(S. 29.) "An act relating to the Accounts of County Clerks, and in alteration of Chapter 105 of the Revised Statutes."

Mr. J. Morgan, from the select committee to whom had been referred, by the resolution on the Journal of the 18th instant, so much of the Governor's message as relates to the subjects of protection to American Labor and Capital, and of the distribution of the proceeds of the sales of the Public Lands, reported that, as these subjects are embraced in resolutions of the House of Representatives, this day concurred in by the Senate, the committee request to be discharged from further consideration thereof.

And the request was granted, and the committee discharged.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

**MR. PRESIDENT:**—The Governor has notified the House of Representatives, that he has this day approved and signed bills of the following titles:

(H. 17.) "An act in addition to an act relating to Banks, approved October 28, 1840."

(H. 21.) "An act laying a tax on the County of Washington."

(H. 27.) "An act to annex a part of the town of Dummerston to the town of Putney."

(H. 37.) "An act relating to the Bank of Windsor."

(H. 46.) "An act relating to Common Schools."

(H. 55.) "An act for the relief of Charles Miller."

(H. 56.) "An act to pay Emily Hatch the sum therein mentioned."

(H. 59.) "An act in relation to advertisements of sales of Lands for the payment of Taxes."

(H. 70.) "An act in amendment of an act to encourage and promote Agriculture, approved Nov. 1, 1843."

(H. 73.) "An act for the relief of John Fisk."

(H. 88.) "An act in relation to the Militia."

(H. 90.) "An act to alter the times of holding the County Courts in the County of Windsor."

(H. 91.) "An act to assess a tax for the support of Government."

(H. 92.) "An act making appropriations for the support of Government."

(H. 93.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(H. 80.) "An act in relation to the exhibition of Living Animals and Natural Curiosities."

Mr. Richardson presented the following resolutions:

*Resolved*, by the Senate and House of Representatives, That the establishment of a United States Bank is inexpedient, and that our Senators in Congress be instructed, and our Representatives requested, to vote against the charter of such an institution.

*Resolved*, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing resolution.

And they were read.

Mr. Chittenden moved that said resolutions be laid on the table.  
And the question being taken,

It was decided in the affirmative, { Yeas, 16,  
Nays, 6.

The yeas and nays, being demanded by Mr. Cahoon, are as follows;  
Those Senators who voted in the affirmative are,

Messrs. J. Barrett, T. T. Barrett, Billings, Briggs, Button, Camp, Chittenden, Harris, Hubbard, Hurd, J. Morgan, Read, Rich, Sabin, Stone, and Winn.

Those Senators who voted in the negative are,

Messrs. Cahoon, Marshall, Noyes, Phillips, Richardson, and Scott.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have further considered their amendment to the resolution providing for a distribution of the Report of the Auditor of Accounts, and resolve to *adhere* thereto.

The House concur in the amendment of the Senate to the resolutions relating to Domestic Slavery, and the annexation of Texas to this Union.

Mr. Richardson, from the Committee on Bills, reported that they have, this day, submitted to the Governor, for his approval and signature, bills of the following titles, viz:

(S. 13.) "An act relating to Parties in Action, in addition to Chapter 95, Section 20, of the Revised Statutes."

(H. 23.) "An act in addition to an act relating to the Grand List, approved November 11, 1841."

(H. 96.) "An act in relation to the duties of the Bank Commissioner."

(H. 69.) "An act in addition to Chapter 110 of the Revised Statutes, relating to the production of Silk."

(H. 84.) "An act to pay Junius J. Crane the sum therein mentioned."

(H. 97.) "An act to alter the name of the Black River Canal and Manufacturing Company."

Mr. Sabin, from the select committee raised on so much of the Governor's message as relates to the subject of Slavery and the annexation of Texas, reported that, as the matter referred to them is sufficiently embodied in resolutions which have been adopted by both Houses, the committee request to be discharged from further consideration thereof.

And the request was granted, and the committee discharged. 

The Senate further considered the amendment of the House of Representatives to the resolution providing for a distribution of the Report of the Auditor of Accounts, and

*Resolved*, to *adhere* to their disagreement thereto.

Mr. Richardson presented the following resolution:

*Resolved*, That the thanks of the Senate are cordially tendered to His Honor HORACE EATON, for the able, impartial, and courteous manner, in which he has discharged the duties of its presiding officer, during the present session of the General Assembly.

And it was read, and

The question being taken by the Secretary,

It was unanimously adopted.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

**MR. PRESIDENT:**—The House of Representatives have further considered their amendment to the bill (S. 12) entitled “An act in addition to an act incorporating the Champlain and Connecticut River Rail Road Company, approved November 1, 1843,” and resolve to insist thereon.

The Governor has notified the House that he has this day approved and signed bills of the following titles:

(H. 23.) “An act in addition to an act relating to the Grand List, approved November 11, 1841.”

(H. 69.) “An act in addition to Chapter 110 of the Revised Statutes, relating to the production of Silk.”

(H. 84.) “An act to pay Junius J. Crane the sum therein mentioned.”

(H. 96.) “An act in relation to the duties of the Bank Commissioner.”

(H. 97.) “An act to alter the name of the Black River Canal and Manufacturing Company.”

(S. 12.) The Senate further considered the amendment of the House of Representatives to the bill entitled “An act in addition to an act incorporating the Champlain and Connecticut River Rail Road Company, approved November 1, 1843,” and

*Reso'ved*, to recede from their disagreement to said amendment, and to concur therein.

On motion of Mr. Briggs, it was

*Ordered*, That when the Senate adjourn, it adjourn to meet at half past seven o'clock, tomorrow morning.

Mr. Richardson, from the Committee on Bills, reported that they have this day submitted to the Governor, for his approval and signature, bills of the following titles, namely:

(H. 57.) “An act to repeal ‘An act relating to the punishment of Capital Crimes,’ approved November 12, 1842.”

(S. 25.) “An act relating to Licenses to Innkeepers and Retailers.”

(S. 12.) “An act in addition to an act incorporating the Champlain and Connecticut River Rail Road Company, approved November 1, 1843.”

On motion of Mr. Briggs,

The Senate adjourned.

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THURSDAY, Oct. 31, 1844.

Prayer by the Chaplain.

The Journal of yesterday was read in part, when, on motion of Mr. Catoon, the further reading thereof was dispensed with.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The Governor has notified the House of Representatives, that he has this day approved and signed the bill (H. 57) entitled “An act to repeal ‘An act relating to the punishment of Capital Crimes,’ approved November 12, 1842.”

I am directed to inform the Senate that the House of Representatives have, on their part, completed the business of the session, and are ready to adjourn without day.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs:

Mr. PRESIDENT:—I am directed by the Governor to announce to the Senate that he has this day approved and signed bills of the following titles:

(S. 13.) “An act relating to Parties in Action, in addition to Chapter 95, Section 20, of the Revised Statutes.”

(S. 12.) “An act in addition to an act incorporating the Champlain and Connecticut River Rail Road Company, approved Nov. 1, 1843.”

(S. 25.) “An act relating to Licenses to Innkeepers and Retailers.”

On motion of Mr. Briggs, it was

Ordered, That the Secretary apprise the House of Representatives that the Senate have, on their part, completed the business of the session, and are now ready to adjourn without day.

A similar notice was ordered to be communicated to the Governor, and Mr. Briggs was designated to perform the service.

And the notifications were communicated, as ordered.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs:

Mr. PRESIDENT:—I am directed by the Governor to inform the Senate that he has received their annunciation that they are ready to adjourn, and to say that he has no further communications to make to them.

Whereupon,

The President declared the Senate adjourned *without day*.

D. W. C. CLARKE,  
*Secretary of the Senate.*



## APPENDIX.



## APPENDIX.

### BANK COMMISSIONER'S REPORT.\*

*To the Auditor of Accounts:*

SIR:—In obedience to an act of the last session of the General Assembly, I submit the following report in relation to the Banks in this State:

There are seventeen Banks in operation in this State, sixteen of which are subject to the examination of the Bank Commissioner, and one (the Bank of Burlington) to the annual inspection of the Bank Committee.

Previous to 1831 there was no general statute in force in relation to Banks, but the powers, duties, and liabilities of each Bank, were regulated by its act of incorporation, the charters of incorporation of the several Banks being uniform, or nearly so, in their provisions. The amount of the capital of the Bank was specified, or rather limited, but the Bank might go into operation upon the payment of about one-tenth of its nominal capital, and the amount of additional actual capital employed depended upon such assessments upon the stockholders as the directors might from time to time think proper to make. The Banks were required to redeem their bills and pay their liabilities in specie on demand; were prohibited from dealing in real estate or goods, and limited to the demand of six per cent, discount or interest on loans. They were also prohibited from contracting debts to a greater amount than their deposits and *three* times the amount of capital stock paid in; and in case of excess of indebtedness, the directors under whose administration it happened were made liable for the same in their private capacity. The Banks were, semi-annually, at the time of making their dividends, to pay into the State Treasury six per cent of their profits, which sums thus paid were, by act of Nov. 17, 1825, invested in a School Fund. All the property and funds of the corporation were made liable to the satisfaction of its debts, and as additional security to the public, each of the directors was to give bonds (usually in the sum of eight thousand dollars) to the Treasurer of the State, with sureties to his satisfaction, conditioned "for the faithful discharge of the duties of his office, agreeably to the regulations, requirements, and restrictions, of the act of incorporation." The bonds might be prosecuted on the complaint of any person injured by the misconduct of the director, and were to stand as security for all persons injured, to the amount of the penalty. The General Assembly, at each session, were to appoint a Committee to examine into the affairs of the Bank, and to report to the Assembly. If the

\* Referred to in Report of Auditor of Accounts in Appendix to House Journal.

Committee found the Bank had exceeded its powers, they were to direct the State's Attorney of the county in which it was situated to file an information against the corporation before the Supreme Court for such county, and such Court might thereupon declare such charter vacated.

The charters of all the Banks, which were thus incorporated, have already expired, except that of the Bank of Burlington, which will terminate January 1, 1849.

At the October session of the General Assembly in 1831, an act, commonly called the "Safety Fund Act," was passed, the leading object of which was to constitute a fund out of which the creditors, other than the stockholders, of any bank, that should become insolvent, might be paid. For the purpose of raising such fund, each of the Banks, that should be thereafter chartered, was required to pay into the State Treasury four and one-half per cent. of its capital stock, in six annual instalments of three-fourths of one per cent. each, which fund, if reduced either wholly or in part by the failure of any Bank, was to be reimbursed and kept to the amount of four and one-half per cent. upon the capital stock, by assessments made by the State Treasurer, at the rate of not exceeding three-fourths of one per cent. annually. The fund, until used for the above purpose, was to remain the property of the respective Banks from which it was raised, and be invested in productive stocks, or put at interest by the Treasurer, and the accruing interest, after deducting the salaries of Bank Commissioners, was to be annually paid to such Banks. On the expiration of the charter of any bank, the amount paid to the fund by such Bank, if not required to indemnify the creditors of any other Bank that had become insolvent, was to be returned by the Treasurer to such Bank.

The act of 1831 also provided for the appointment of three Bank Commissioners, whose duty it should be, "at least once in twelve months, to visit every monied corporation, upon which the provisions of the act should be binding, and thoroughly to inspect the affairs of said corporations, to examine all the books, papers, bonds and evidences of debt of such corporations, to compare the funds and property of said corporations with the statements, to be made by them as thereafter provided, to ascertain the quantity of specie the said corporations had on hand, and generally to make such other inquiries as might be necessary to ascertain the actual condition of said corporations, and their ability to fulfil all their engagements." The Commissioners were empowered to examine the officers of the Banks, and any other persons on oath, in relation to their affairs and condition, and in case they should find that any corporation was insolvent, or had violated any of the provisions of that act, or of its act of incorporation, or of any other law binding upon it, the said Commissioners were to apply to a Chancellor for an injunction against such corporation; and if the Chancellor deemed the application well founded, the funds and property of the Bank were to be administered and distributed by receivers, under the appointment and direction of the Court of Chancery. The Commissioners were to report to the Legislature "the manner in which they had discharged their duties, and to accompany such reports by such abstracts from the reports made to them, and such other statements, as they should deem useful." By subsequent acts, the number of Bank Commissioners reduced to one, and the report of the Bank Commissioner, as well as that of the Bank Committee, is to be made to the Auditor of Accounts. The act of 1831 also provided, that no Bank, subject to its provisions, should make any loans or discounts until at least fifty per cent. of its cap-

ital stock should be actually paid in, to be proved on oath to the satisfaction of the Bank Commissioners. In other particulars, the powers, duties and liabilities of the Banks were left to be regulated by their respective charters; and the charters of the Banks which have since been incorporated and made subject to its provisions, are in general the same as those previously incorporated, except that the Banks are required to pay into the Treasury of the State, for the benefit of the School Fund, ten per cent of their profits, instead of the six per cent previously required.

The Banks which have been chartered subject to the provisions of this act of 1831, are the following, viz: the Banks of Middlebury, Woodstock, Bellows Falls, Manchester, Orleans, Newbury, Brattleboro', Farmer's, at Orwell, Farmer's and Mechanic's, at Burlington, St. Albans, and Essex County, all of which, except the last, are now in operation.

The Essex County Bank was chartered at the October session of 1832, with a capital of \$40,000, and by the fraudulent misconduct of its officers and stockholders, became insolvent, and suspended payment on the 14th of August, 1839. In November following, its funds and property went into the hands of a receiver, under the direction of the Court of Chancery, and its affairs yet remain unsettled. Within the time limited by the Chancellor, bills of the Bank to the amount of \$34,426 were presented to the receiver by claimants; but of this sum about \$28,000 is understood to be disputed, and the validity of the claims to be now in contest before the Court of Chancery. The assets of the Bank are believed to be small, and if the disputed claims should be adjudged valid, the Bank fund, now amounting to the sum of about \$31,000, will thereby be largely absorbed. If these disputed claims should be found invalid, the fund will not be much impaired.

In October, 1840, the General Assembly passed an additional act "relating to Banks," by which any banking company thereafter chartered or re-chartered should be subject to the provisions of the Safety Fund Act, and be at all times under the control of the Legislature "to alter, amend, or repeal, as the public good might require." The act also provided, that before any Bank went into operation one-half of its capital stock should be paid in, in specie; and that it should not continue in operation for more than two years, unless the whole of its capital stock should be thus paid in, such payments to be ascertained and certified by the Bank Commissioner; that no part of such capital stock should be withdrawn from the Bank; that "the directors of such Bank should be liable to pay to the creditors and stockholders all losses which might be sustained in consequence of any violation by them of the provisions of that act or any other law, or other unfaithfulness in the discharge of their official duties;" that, to secure such liabilities, each of the directors should execute a bond to the State Treasurer, in an equal amount, the aggregate amount of the bonds to be equal to the capital stock actually paid in, with sureties residing in the State and not directors, or with mortgage security on real estate, to be approved by the Bank Commissioner; that the cashier should also execute a bond to the State Treasurer in the sum of \$20,000, with sureties, to be approved by the Bank Commissioner, conditioned for the faithful discharge of the duties of his office; that such bonds might be prosecuted for the benefit of the claimants upon such Bank by order of the Bank Commissioner or by a receiver; that no stockholder, director, or other officer of the Bank, should be indebted to the Bank in a greater amount than five per cent, of the capital stock paid in; that all of the directors and officers

should not be indebted to the Bank in a greater amount than the aggregate amount of three per cent. for each director; that no individual or corporation should be so indebted in a greater amount than ten per cent. of the capital paid in, except for deposits for redeeming its bills or on the purchase of bills of exchange; that no loan exceeding fifty dollars should be made without the approval of a majority of the directors; that no loan should be made on the pledge of the stock of the Bank; that the Bank should not issue bills or otherwise contract debts to a greater amount than the amount of its deposits and twice the amount of its capital stock paid in; that if the capital should be reduced to the amount of five per cent. below the amount paid in, it should be immediately reimbursed by assessments on the stockholders; and that the Bank should, semi-annually, at the usual times for declaring dividends, pay into the Treasury of the State one per cent. of the capital stock actually paid in, as a tax upon the income of such Bank, "provided that if the directors should keep a sufficient deposit of funds in the city of Boston, and should at that city uniformly cause its bills to be redeemed at par," the Bank should be exempt from such tax. The act of 1840 contains other provisions in detail, similar to those usually inserted in the Bank charters before mentioned, and also additional provisions for the punishment, criminally, of the officers of Banks for wilful violations of their duties.

Under these provisions of the act of 1840 the Banks of Rutland, Vergennes, and Poultney, have been chartered and are now in operation.

By an act of 1842, it was provided that the Banks chartered previous to 1840 might avail themselves of the foregoing provisions of the act of 1840, by giving the requisite bonds and complying with such provisions.

The Bank of Brattleboro', on the 22d of December, 1843, and the Bank of Middlebury, on the 10th of February, 1844, gave bonds as required by the act of 1840, and have thus become subject to its provisions.

By the 39th Section of the act of 1840, it was further provided, that any banking corporation subject to the provisions of that act, might be exempt from contribution to the Safety Fund, by executing bonds to the State Treasurer to the amount of the capital stock paid in, with sureties to be approved by the Bank Commissioner, conditioned "that such directors should at all times pay and redeem, according to law, all the bills issued by such Bank, and should pay and refund all deposits made in such Bank when such payments were demanded."

The directors of the Banks of Caledonia, Montpelier and Orange County, chartered under the provisions of the act of 1840, have given such bonds.

All the Banks now in operation under the act of 1840, viz: the Banks of Rutland, Vergennes, Poultney, Brattleboro', Middlebury, Caledonia, Montpelier, and Orange County, having uniformly redeemed their bills in Boston as required by law, are exempt from the semi-annual payment of one per cent. on their capital to the State; and the three latter Banks, having also complied with the 39th Section of the act of 1840, are further exempt from contribution to the Safety Fund.

The directors of the Orange County Bank have, within the past year, made an assessment upon the stockholders of \$12,500, which has been paid into the Bank, and on the 10th of July last, the fact of such payment was duly ascertained and certified; and bonds of the directors for the additional capital, in conformity with the 8th and 39th Sections of the act of 1840, were at the same time examined and approved by the undersigned.

The annual examination of the several Banks in this State has, in conformity with the act of Nov. 1, 1843, been made in the month of August. In making this examination, the undersigned has endeavored to comply with the requirements of the laws. The statements of the resources and liabilities of the Banks, from their books, of which abstracts are hereinafter given, have been made under oath by the several cashiers; and to verify their accuracy, "the books, papers, notes, bonds, and evidences of debt," together with "the funds and property of the Bank and specie on hand," have been examined and compared with such statements, and they have been found to agree. It is apparent, however, that the value of these statements, as a test of the soundness of the Banks, depends not more upon the amount than upon the character of the funds which make up the resources of the Bank. If the resources are of the full value at which they stand in the statement, the test may be relied upon; if not, it fails. The undersigned has therefore sought to ascertain the real value of the several matters composing the items of the resources of the Banks, and for this purpose, as well as for the other purposes of his examination, he has, in every instance, examined the cashier of each Bank, and generally, when accessible, other officers of the Bank, on oath, as to the character and value of the particular debts or funds composing each item. He has also taken an examination in writing, subscribed and sworn to by each officer or officers, in relation to the compliance of the Bank with its charter requirements, especially such as would not be likely to be within the knowledge of the public, or the Commissioner:—As whether the Bank has regularly chosen its directors, and who they are, with a view to ascertain whether they have given bonds according to law; whether the Bank has dealt in real estate or goods; whether it has demanded more than six per cent. interest on loans or discounts; what dividends it has made; whether it has issued bills or otherwise contracted debts to a greater amount than allowed by law; and in regard to the Banks chartered under the act of 1840, whether the restrictions on the amount of loans to stockholders, directors, and officers of the Bank, and also to other persons or corporations, have been observed; whether loans exceeding fifty dollars have been made without the approval of a majority of the directors; whether any loans have been made on a pledge of the stock of the Bank; and whether the Bank has kept sufficient funds in Boston, and has there uniformly caused its bills to be redeemed at par.

The general result of this examination has been, that the charter requirements of the Banks have, in general, been strictly observed; that all the Banks appear to be solvent, to be in easy circumstances, and to be doing an active and a reasonably profitable business.

It is, however, deemed proper to state, that the capitals of the Banks of Manchester and St. Albans, by reason of loans made some few years since, which are either bad or of a doubtful character, have become in some degree impaired. The probable loss to the Bank of Manchester, as near as could be estimated by the Commissioner, will be about 20,000 dollars; though strong expectations are entertained by the officers of the Bank that it will not be more than half that sum, if so much. The capital of the Bank being \$70,000, and it having for a year or two past been doing a profitable and apparently safe business on its active capital, the undersigned does not think that the security to the creditors of the institution is impaired, though the stockholders will doubtless suffer loss. The directors of this Bank in January last declared a dividend of three per cent.

on its capital stock of \$70,000, which, in the opinion of the undersigned, was a violation of duty, there being in reality no profits of the Bank to divide, within the meaning and intent of its charter. It is believed that no further dividends will be made while a portion of the capital continues probably lost, and not reimbursed.

The probable loss of the Bank of St. Albans is estimated at about \$22,500; but it will be perceived by the abstract of the statement of that Bank, that the sum of \$13,247 70, exclusive of its Safety Fund, has already been reimbursed, by the accruing profits of the Bank. This Bank, also, having latterly been doing a profitable and apparently safe business, is deemed sound and safe, so far as the public is concerned.

The capital stock of all the other Banks is represented as remaining unimpaired.

Having ascertained, on examination of the Banks, that the directors, or a portion of them, of several of the Banks incorporated subject to the act of 1831, had neglected, in some instances for a long period, to execute bonds to the State Treasurer, as required by law, the undersigned notified the cashiers of the Banks of such failure, and requested that bonds should be speedily furnished. In most of the cases bonds have already been lodged with the Treasurer, and it is presumed they will soon be in all, as it is believed the neglect to give bonds has generally arisen from inadvertence, rather than from design. If, however, there should be a continued non-compliance in any case, some further proceeding in the matter will be proper.

The undersigned submits, in a tabular form, an abstract of the condition of the several Banks, the abstract of the condition of the Bank of Burlington, which has been examined by the undersigned as Bank Committee, being also included.

ABSTRACT OF THE CONDITION OF THE SEVERAL BANKS IN VERMONT, AS ASCERTAINED BY  
THE BANK COMMISSIONER, IN AUGUST, 1844.

APPENDIX.

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| LIABILITIES.                          |                | RESOURCES.            |                                 |                  |                             |               |                                  |
|---------------------------------------|----------------|-----------------------|---------------------------------|------------------|-----------------------------|---------------|----------------------------------|
| Name of Bank.                         | Capital Stock. | Bills in circulation. | Due date on Deposits & Bankers. | Total Resources. | Notes and Bills discounted. | Due on Books. | Bills and Drafts of other Banks. |
| Below Falls,                          | 50,000         | 149,248.00            | 19,484.36                       | 218,742.36       | 153,023.04                  | 8,357.73      | 58,817.57                        |
| Brattleboro',                         | 75,000         | 125,359.00            | 10,385.00                       | 221,275.98       | 41,751.00                   | 9,810.98      | 7,276.98                         |
| Caledonia, at Danville,               | 50,000         | 72,873.75             | 1,462.60                        | 124,335.35       | 90,669.00                   | 17,336.03     | 3,375.00                         |
| Farmers', at Orwell,                  | 60,000         | 130,611.00            | 19,694.76                       | 210,305.76       | 141,965.02                  | 51,919.94     | 13,164.56                        |
| Farmers' & Mechanics', at Burlington, | 105,000        | 103,026.00            | 20,228.73                       | 231,108.20       | 145,325.39                  | 149.06        | 9,856.31                         |
| Manchester,                           | 70,000         | 81,963.00             | 294.45                          | 152,327.65       | 105,614.08                  | 1,850.80      | 25,382.03                        |
| Middlebury,                           | 60,000         | \$3,866.50            | 18,014.38                       | 171,570.88       | 101,449.42                  | 3,217.71      | 53,977.89                        |
| Montpelier,                           | 50,000         | 117,771.00            | 52,775.59                       | 191,546.59       | 123,323.04                  | 3,601.67      | 56,588.53                        |
| Newbury,                              | 50,000         | 131,687.00            | 5,702.66                        | 167,989.66       | 119,805.86                  | 10,047.57     | 5,750.00                         |
| Orange County,                        | 37,500         | 73,532.00             | 1,750.56                        | 119,382.56       | 67,586.72                   | 2,049.57      | 5,285.00                         |
| Oreana, at Chelsea,                   | 30,000         | 30,324.00             | 7,213.00                        | 67,536.00        | 54,702.00                   | 70,896.78     | 6,735.90                         |
| Poultney',                            | 50,000         | 77,692.00             | 6,354.53                        | 134,046.53       | 81,925.97                   | 17,525.48     | 42,505.18                        |
| Rutland,                              | 100,000        | 124,556.00            | 14,111.93                       | 182,897.93       | 943,723.01                  | 175,555.10    | 46,711.57                        |
| St. Albans,                           | 50,000         | 83,194.00             | 58,072.26                       | 161,236.26       | 114,607.65                  | 19,453.79     | 8,350.98                         |
| Vergennes,                            | 100,000        | 84,164.00             | 38,788.47                       | 222,982.47       | 180,984.92                  | 180,985.51    | 9,887.68                         |
| Woodstock,                            | 50,000         | 142,088.25            | 5,910.12                        | 198,006.37       | 204,278.65                  | 133,453.08    | 6,714.37                         |
| Burlington,                           | 150,000        | 181,173.00            | 67,877.04                       | 339,937.65       | 214,352.10                  | 18,067.42     | 6,750.00                         |
|                                       | 1,137,500      | 1,743,807.50          | 289,079.84                      | 3,170,387.34     | 3,264,648.16                | 2,160,758.49  | 64,436.74                        |
|                                       |                |                       |                                 |                  |                             |               | 31,230.07                        |
|                                       |                |                       |                                 |                  |                             |               | 60,336.32                        |

BENNINGTON, September 16, 1844.

HILDAND HALL,  
*Bank Commissioner.*

EIGHTH ANNUAL REPORT OF THE TRUSTEES AND SUPERINTENDENT OF THE VERMONT ASYLUM FOR THE INSANE.\*

OFFICERS OF THE ASYLUM—1843-44.

BOARD OF VISITORS.

HON. CHARLES K. WILLIAMS,  
" STEPHEN ROYCE,  
" ISAAC F. REDFIELD,  
" MILDRED BENNETT,  
" WILLIAM HEBARD.

COMMISSIONER FOR THE INSANE POOR.  
HON. JOHN MATTOCKS.

TRUSTEES.

SAMUEL CLARK, Esq.,  
EPAPHRO' SEYMOUR, Esq.,  
ASA KEYES, Esq.,  
N. B. WILLISTON, Esq.

SUPERINTENDENT AND PHYSICIAN.  
WILLIAM H. ROCKWELL, M. D.

ASSISTANT PHYSICIAN.  
H. W. HARLOW, M. D.

MATRON.

MRS. D. K. BAKER.

REPORT.

*To the Hon. the General Assembly of the State of Vermont:*

The Trustees of the Vermont Asylum for the Insane, would respectfully present their eighth Annual Report:

Another year of continued prosperity has attended the operations of the Asylum. During the past year, two hundred and thirty-two patients have enjoyed its benefits. Ninety-six have been admitted, seventy-four have been discharged, and one hundred and fifty-eight now remain. Of those

\* Referred to in Report of Auditor of Accounts in Appendix to House Journal.

discharged, fifty-one have recovered. Of those discharged who had been insane but six months, eighty-nine per cent. recovered; while those who had been insane more than six months, only thirty-four per cent. recovered. Hence the importance of placing them in an Asylum in the first stages of the disease.

While we rejoice over those cases which recover, it is also a source of much congratulation, that the old cases can be so much improved and made so comfortable at the Asylum. We will notice a few cases that are now in the institution. One case was brought to us four and a half years ago, of a man who had been insane more than twelve years. During the four years previous to his admission, he had not worn any article of clothing, and had been caged up in a cellar without feeling the influence of any fire. A nest of straw was his only bed and covering. He was so violent that his keepers thought it necessary and applied an iron ring around his neck, which was riveted on, so that they could hold him when they changed his bed of straw. In this miserable condition he was taken from the cellar, and dressed, and brought to the Vermont Asylum. The ring was immediately removed from his neck. He has worn clothing, has been furnished with a comfortable bed, and has come to the table and used knife and fork ever since he was first admitted. He has not destroyed three dollars worth of clothing, bed and bedding, since he came to the Asylum. He has been most of the time pleasantly and usefully employed about the institution.

The second case is a man who had been insane twenty-four years, and for the last six years has worn no clothing, and had been furnished with no bed excepting loose straw. He had become very filthy, regardless of every thing which is neat or decent. Here was a case which required more skill and exertion than to restore a recent case to sanity. He was brought here a year and a half ago, and in less than three months from his admission, he so improved that he has ever since worn his clothing, has been supplied with a comfortable bed, which he has kept neat, has gone to the table with the rest, and used a knife and fork, and has not injured clothing, bedding, or any other property to the amount of two dollars. This last summer he has worked regularly on the farm, and is peaceable, quiet, and happy.

The third case is a man who has been insane more than thirty years, was sold to the lowest bidder for many years, was caged up, had his feet frozen so that he lost his toes, and endured suffering which no person in their natural state could have endured. He was brought to the Asylum about five months since, and has worn his clothing, has been furnished with a comfortable bed, has gone to the table with the rest, and has destroyed neither clothing nor any other property. He is a printer by trade, and is now pleasantly and cheerfully employed in setting type for our little newspaper.

From many, we will relate but one case of a female patient who is now 61 years of age. From the statement made by one of the relations, we copy the following:—"She has been deranged more or less since a child, and God Almighty only knows the cause of it. She was confined for several years in a half subterranean cage," &c. This "subterranean cage" was nothing more or less than a cave dug into the side of a hill near the house, and straw thrown in for a bed, and no warmth admitted except what was received from the sun. We forbear to mention other particulars. She has been with us more than three years, and since the first three

months has constantly assisted the nurse in the performance of her duty. Since the first week she has been at large in the halls, has been furnished with a comfortable bed, and has taken her food at the table with the rest. She is now regularly and cheerfully employed in assisting the nurse and in mending the clothing of the other patients.

Were it necessary, we might mention many other cases of patients who had been caged and chained, confined in garrets, cellars, corn-houses, and other out-buildings, until their extremities were bitten by the frost and their minds driven to desperation. In too many cases frail humanity could not endure the suffering, and their spirits are now where the "weary are at rest."

Who can witness scenes like these, unless blind to the most appalling exhibitions of human suffering, as well as of mental anguish, and not use his utmost endeavors for their relief? Could the wretched insane, as they are now situated, exhibit their deplorable condition to public view, none could be found so insensible as not spontaneously to use his influence to improve their condition.

Since the last report was presented to the Legislature, the buildings of the Asylum have been enlarged, making additional accommodations of about sixty rooms. We are now able to receive two hundred patients. Our accommodations are now adequate to the wants of the State. We are happy in being able to state, that from the first commencement of the erection of our buildings, no accident has happened to any one employed on the same.

In addition to the enlargement of the main building of the Asylum, another building, one hundred feet in length and thirty-two in breadth has been erected this season. Besides the part which will be occupied as a wood-house, we have a large carriage house, a carpenter's shop, a shoemaker's shop, and a variety of store-rooms. Now there is a place for every thing, and every thing will be kept in its place.

By our ability to receive a greater number of patients, without increasing the number of officers, and thereby the expenses of the institution, a still greater reduction has been made in the terms of admission. We have always endeavored to keep the terms as low as possible, consistent with the existence of the proper facilities of the institution.

Neither of the Trustees, Treasurer, or Secretary, receive any compensation for their services.

By the report of the Superintendent, it will be seen, that the income of the institution for the past year is \$581 14 more than the expenditures. After allowing for the loss of bad debts, there will probably be a small balance in favor of the institution.

Improvements are constantly made about the grounds of the institution. A great variety of shade trees and shrubbery have been set out by the officers and patients, which has afforded much pleasant and useful employment to the inmates, and has contributed in no small degree to their restoration.

Improvements are annually made on the farm, and the amount of its products are annually increased. We believe, as a self-supporting institution this establishment is carried to greater perfection than any similar institution in the country.

Every one is employed, as far as is practicable, in that business which he followed before he was insane.

Most of the male patients are farmers, who find healthy and useful em-

ployment on the farm. We have a joiner's shop, and most of the buildings and fences, and also of the furniture of the house, is repaired by them. We have also a shoe-maker's shop, and make a large share of the shoes worn by the patients. Our female patients make most of the garments, and all of the mending is done by them. All of the beds and bedding are made by them, and they also render much other assistance. But the most important circumstance is, that these several employments, to which the inmates have heretofore been accustomed, not only promote their health, but are the best moral means which can be used for their restoration.

Every year has added to the facilities for restoration. Every means is sought which will divert the mind from its morbid delusions, and those who have the care of the inmates endeavor to carry out the designs of the institution with a zeal worthy of all praise. We should do injustice to our own feelings, did we not bear our cheerful testimony to the judicious management of the Superintendent, to whose indefatigable exertions the institution, in a great measure, is indebted for its prosperity.

Of the amount of care and vigilance which is requisite in an institution of this kind, we would mention, that in the workshops and on the farm the patients have had free use of tools from the commencement, and yet no accident whatever has happened to any one. When we consider the numerous cases of suicide which are committed out of an Asylum, and which constantly fill the newspapers of the country, we rejoice that there is an Asylum which will prevent so great an affliction. Since the opening of the institution, no less than six hundred and thirty-one have been admitted, many of whom were determined on self-destruction, yet only one patient has committed suicide. There has been no suicide in the Asylum the past year.

We rejoice that the location is so healthy. The institution has now been in operation nearly eight years, and we have had no epidemic, and but few sporadic cases from the commencement. Only thirty-nine have died, or a little more than six per cent,

Our situation is pleasant, and the mountain air is salubrious. We have plenty of water conveyed by pipes to every part of the Asylum, and the buildings are admirably adapted for ventilation as well as cleanliness. And the facilities, which are here applied for the restoration of the inmates, are not inferior to those of any institution of this or any country.

In conclusion, we are gratified to bear witness to the uninterrupted prosperity of the institution from its commencement, and the amount of relief, which has been afforded to those who have enjoyed its advantages. We rejoice also, that the buildings are so nearly finished, that we shall never have occasion hereafter to ask the Legislature for funds for their completion; and that our accommodations are sufficiently extensive for all of the insane of the State, who may apply for admission. And while the insane poor of this State suffer such an immense amount of unmitigated, undiluted misery, will not the Legislature make suitable provision for their relief? To the liberal and enlightened policy, which this State has ever manifested towards the afflicted and unfortunate, we cheerfully and confidently commend the claims of those who suffer the double affliction of poverty and insanity.

SAMUEL CLARK,  
E. SEYMOUR,  
ASA KEYES,  
N. B. WILLISTON, } *Trustees.*

BRATTLEBORO', September 3, 1844,

**ABSTRACT OF THE GENERAL EXPENDITURE FOR THE ASYLUM FOR THE YEAR ENDING AUGUST 31, 1844.**

|                                     |             |
|-------------------------------------|-------------|
| Stores, provisions, fuel, &c.,      | \$8,168 25  |
| Salaries and wages,                 | 3,413 36    |
| Medical supplies,                   | 221 90      |
| Improvements and repairs,           | 1,806 41    |
| Furniture, bedding, clothing, &c.,  | 482 13      |
|                                     | <hr/>       |
| Income from board of patients, &c., | \$14,092 05 |
|                                     | <hr/>       |
|                                     | 14,673 19   |
|                                     | <hr/>       |
|                                     | \$581 14    |

**VERMONT ASYLM, Sept. 2, 1844.**

**W. H. ROCKWELL, Superintendent.**

The patients have been from the following places:

From Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Ohio, Missouri, Territory of Iowa, Canada East, Canada West, Island of Bermuda.

**EIGHTH ANNUAL REPORT OF THE PHYSICIAN AND SUPERINTENDENT OF THE VERMONT ASYLM FOR THE INSANE.**

|                                                            |       |
|------------------------------------------------------------|-------|
| The number of patients remaining at the close of the year, | 136   |
| There have been admitted during the year,                  | 96    |
|                                                            | <hr/> |
| Total enjoying the benefits of the Asylum,                 | 232   |
| There have been discharged during the year,                | 74    |
|                                                            | <hr/> |
| There remain, Sept. 1st, 1844,                             | 158   |
| Of the 74 cases discharged, there have                     |       |
| Recovered,                                                 | 51    |
| Improved,                                                  | 11    |
| Not improved,                                              | 5     |
| Died,                                                      | 7-74  |
| Of the 45 recent cases discharged, there have              |       |
| Recovered,                                                 | 41    |
| Improved,                                                  | 3     |
| Died,                                                      | 1-45  |
| Of the 29 chronic cases discharged, there have             |       |
| Recovered,                                                 | 10    |
| Improved,                                                  | 8     |
| Not improved,                                              | 5     |
| Died,                                                      | 6-29  |

Recovered of all the cases discharged the past year, 68.92 per cent.  
Recovered of all the recent cases discharged the past year, 89.13 per cent.  
Recovered of all the chronic cases discharged the past year, 34.48 per cent.  
Recovered of all cases discharged, 59.34 per cent.  
Recovered of all recent cases discharged, 89.26 per cent.  
Recovered of all chronic cases discharged, 30.70 per cent.

Since the opening of the Asylum 631 patients have been admitted, 473 have been discharged, and 158 remain in the institution.

Of the 631 patients who have been admitted, 281 have recovered, equal to 44.53 per cent., 39 have died, equal to 6.18 per cent.

The past year has been one of great prosperity. We have been favored with an unusual degree of health. We have been spared from any epidemic or prevailing disease. No suicide or any serious accident has occurred. And a measure of success has crowned our exertions, which demands our gratitude to the Giver of all Good.

It is less than eight years since the Asylum was opened for the reception of the patients, and less than ten years since Mrs. Marsh's donation was received to found this institution. The friends of the Asylum owe her a debt of gratitude, both for the funds she so cheerfully granted, and also for commencing an interest in the subject, which otherwise might not have been awakened for years. Could she have anticipated the comfort and relief which has resulted to the unfortunate from her benefaction, her spirit would have rejoiced in the contemplation of the happiness she was about to bestow. Of her it may be truly said, that "blessings of many who are ready to perish" will forever rest on her memory.

None but those who have learned by sad experience are aware of the difficulties of managing the insane in a private family. The insane conceive that they have claims upon their friends, and if they are not aided by them, in their wild and unreasonable plans, they look upon them with suspicion and frequently with hatred. Hence the dislike and complete enmity, which they frequently cherish towards those whom they had most loved. And all the watchful solicitude and kind assiduities, that friends can afterward bestow upon them, are suspected and misconstrued. But when placed in a public Asylum, they cheerfully submit to the regulations, which govern their little community, and frequently become sincerely attached to those from whom they have received kindness and attention. We have in the Asylum an incurable case of a young man, about thirty years of age, who has been insane for ten years. He had been under the care of different persons, who had made him as comfortable as could be expected out of a public Asylum. The last year, his mother took him home and had him chained to the floor, being the only situation in which it was safe for her to take care of him; and manifested for him all that sympathy, which none but a mother feels, and bestowed upon him all that kind assiduity, which none but a mother would perform. But all her kindness, attention and sympathy was misconstrued by her unhappy son, and his condition was made more miserable than when taken care of by strangers. After remaining in this situation one year, he was unchained and brought to this Asylum, about four months ago. From the time of his admission, he has worn no article of restraint, has destroyed no property, has been at large in our halls, has assisted on the farm, has associated with the rest, and is now comfortable and happy.

It is of the first importance that the friends of the insane should place

them in 'an Asylum in the first stages of the disease. The prospect of their recovery is in an inverse ratio of the duration of their insanity.

It also requires a much longer time to restore an old case, when it is curable, than a recent case requires. The expenses of course are much greater. A regard to economy, therefore, as well as to a prospect of cure, requires that the insane should be placed in a proper Asylum in the commencement of the disease.

We would not, however, discourage those who wish to make a trial for the restoration of their insane friends. We have had several patients, who had been insane six, eight, and even ten years, who recovered. But the proportion of these cases is small. We should always remember that while there is life there is hope, and no efforts should be spared to restore the patient, however discouraging the case may appear. Several have recovered, whose cases at the time of their admission, appeared entirely hopeless. In September, 1840, a lady who had been insane seven years, and had apparently passed into a demented state, was brought to this Asylum. Her friends did not expect her restoration, but supposed she would be much more comfortable in an Asylum than in any other place. During the first two years after her admission, our efforts seemed unavailing. The third year her improvement was slow but gradual, and at the end of the third year, there were decided proofs of her convalescence.

She remained with us until Feb. 1844, a term of three years and five months, and then returned to her family perfectly restored. There were seven or eight years of her insanity of which she now has no recollection. She continues well, and her mind has now all the energy and vigor, which it possessed before she was insane. Had she been removed from the Asylum, as is too frequently the case, at the end of three, six or twelve months, she would undoubtedly have remained insane for life.

Our accommodations have been greatly improved the past year. The enlargement of our building has furnished about sixty additional rooms. Our rooms of classification have also been greatly increased. We can divide each sex into six different classes and adapt their treatment according to their several conditions. We always endeavor to place those patients together, which shall be of mutual benefit, or at least, shall not be injurious to each other. This classifying of the patients, according to their condition, greatly tends to create a self-respect and awaken a desire for the good opinion of others. They are induced to exercise a degree of self-control, that they may retain their places or be promoted, which greatly contributes to their recovery.

It is a great object with those who have the charge of the patients, to keep their minds agreeably occupied, on subjects disconnected with the subject of their delusions. For most of our patients, useful employments have better effect to restore the lost balance of the mind than those which serve merely for amusement. Other exercises and amusements are great auxiliaries and aid in their restoration. The combined effect of both is much better than either when employed separately.

Our male patients are employed in the garden, on the farm, in the carpenter's shop, in the shoe shop, and in various other services about the premises.

They also amuse themselves at the billiard table, in the bowling alley, at quoits, backgammon, cards, and various other amusements.

They frequently walk abroad for exercise, and also to fish, or to view scenes of natural curiosity.

Our female patients employ themselves according to their former education, habits and tastes. Many of them assist in making clothing for themselves and the other patients, and in preparing bedding and other articles for the house. They usually ride every fair day, and walk in the summer season in the garden and about the premises to gather flowers and enjoy the cool shade. Some employ themselves in reading, drawing, painting, and also in playing chess, backgammon, battle-door, the graces, and other amusements. Those who had been accustomed to play on the piano, beguile their time by playing on the same at the Asylum.

Our Library annually increases, and furnishes much reading matter for the patients. We have nearly five hundred volumes. Our Library has been nearly abandoned of late for the newspapers we receive in exchange for our little paper published at the Asylum, called the *Asylum Journal*. We have more than two hundred exchange papers, coming from the different parts of the United States.

The patients seek with great avidity those coming from the vicinity of their late residence. I would take this opportunity to express our grateful obligations to those who have so generously sent their papers in exchange for our little sheet. Could they witness the happiness they confer on the unfortunate, they would feel abundantly rewarded for their kindness.

The publishing of the Journal has greatly contributed to the employment, comfort and restoration of our patients. It has furnished agreeable employment to many. Several have recovered while engaged in printing. Many have been diverted from their delusions, while writing or selecting for the paper. Few can write, but many can select for the same. And I know of nothing better calculated to arouse the insane from their listless inactivity, or fix the attention from wandering to different subjects, than writing or selecting for a weekly periodical. The writing and selecting the matter, the setting the type, the printing the papers, the folding and directing them to their friends and its patrons and exchanges, awakens an interest and furnishes a varied amount of employment which is highly beneficial to the patients.

In conclusion, I would bear grateful testimony to the prompt and faithful assistance of those who have been associated with me in this benevolent enterprise.

Encouraged by the success which has crowned our past labors, we would again commend this Institution to that kind Providence, which has thus far blessed the means which have been used for the restoration of health and reason to those who have suffered the greatest of human calamities.

W. H. ROCKWELL.

BRATTLEBORO', Sept. 2, 1844.

#### TERMS OF ADMISSION.

The terms are two dollars per week, or eighty dollars per year, if the patient remain so long in the Asylum. No patient will be received for a less term than three months, unless he recover before that time has expired.

No charge is made for damages in any case.

Application for admission may be made to Dr. Wm. H. Rockwell, or either of the Trustees.

Patients are received from this and other States.

**REPORT OF COMMITTEE APPOINTED BY THE GOVERNOR,  
IN COMPLIANCE WITH A JOINT RESOLUTION OF 1843,  
TO DEVISE MEANS OF ALLEVIATING THE CONDITION  
OF THE INSANE, WHO ARE DEEMED INCURABLE.\***

*To the General Assembly of the State of Vermont, now in session :*

The undersigned, a committee appointed by the Governor, in compliance with a request of the Senate and House of Representatives, expressed in their joint resolution of 1843, "to devise the best means of alleviating the unfortunate condition of the insane, who are deemed incurable," having attended to the duties of their appointment, do now present the following report:

The very important object to which our attention has been directed, we could hardly expect to attain, without first ascertaining, as near as practicable, the number and condition of the persons for whom relief is to be sought. As to the amount of expense likely to be incurred, we were satisfied to base our calculations upon the charges made for such patients at the Vermont Asylum for the Insane. This is two dollars per week, or one hundred dollars per year, if the patient continues there so long. This may be for ordinary patients, supported by themselves, their friends, or the towns, and not extending to State beneficiaries from Vermont, as we find the contract price for this class was in 1842, \$1.50 per week.

Immediately after our appointment, we called upon the several overseers of the poor throughout this state, by public notice in the newspapers, for statements of the number and condition of the insane in their respective towns, hoping thereby to obtain such statistical information as was indispensable to our purpose. The conductors of the Asylum Journal, generously seconded our efforts by inserting our notice therein, and transmitting a copy to the overseers in each town in the State. Other publishers of papers, and we know not but every one in the State, published the notice. Yet so indifferent were the greater part of these officials to a subject, which, by law, and the vote of their respective towns had, so far as respects the insane poor, been specially committed to them, that we fear our effort has proved almost an entire failure.

We have had no returns from either the counties of Bennington, Windham, Orange, or Grand Isle. Five towns in Addison, seven in Caledonia, two in Chittenden, one in Essex, one in Franklin, two in Lamoille, six in Orleans, three in Rutland, four in Washington, and eight in Windsor, have furnished, in the aggregate, accounts of one hundred and one persons. No satisfactory classification of even this number can be made from these imperfect returns. The sex is mentioned in all cases but one; we know, therefore, that there are about thirty-eight males and sixty-three females. We have supposed these defective statements may be correct,

\* Referred to on page 45 of Journals.

and truly present the number of the insane among the population of the towns from which they came. The entire population of these towns is 62,000. If other towns have the same proportion of insane, the whole number will be 472. In the returns of the sixth census, the number of insane and idiots is 411, classified thus: "At public charge 148, at private charge 263." This probably includes the whole number then in the Asylum, some portion of whom were from other States.

From these imperfect data, and we have had access to no other, we find it difficult to fix upon a satisfactory conjecture as to the true number. It has, moreover, been ascertained that the census returns, particularly in relation to the insane among the colored population, are entitled to no confidence whatever. The number of colored persons in this State is set at 750, and the number of colored insane and idiots at 13. If the same proportion of insane were found among the whites, the aggregate in this State would be about 5,000. In the State of Maine, the aggregate of the colored population is put at 1,355; colored insane and idiots 94. This proportion, for the whole population, would swell this class to almost 35,000. The returned number is 631. In eleven towns in Maine, the total colored persons is five; in the same towns, colored insane thirty-seven! In thirteen towns in New Hampshire, total colored two, colored insane, fourteen! In six towns in Vermont, total colored two, colored insane, seven! We have not made a critical examination as to other States, but have no doubt that the conclusion to which others have arrived is just, to wit: That some malign influence has been at work to make the census show that a very remarkable proportion of our free colored population is of this unfortunate description of persons.

In this perplexity, we have concluded, for the purposes of the present investigation, to assume for the total number of the insane, taking the word with its statute definition, at four hundred, and that one-half, at least, are and ever will be at public charge. The annual State appropriation will cover the expense of about twenty, leaving one hundred and eighty to be provided for; and our business is to devise the best means of alleviating their unfortunate condition.

Without any expense of time or labor in "devising," we readily come to the conclusion, that incomparably the "best means," so far as relates to the comfort and convenience of the patients, and so far as the towns having to support one or more of their number are concerned, is for the State to assume the burden and provide for them at the Vermont Asylum or some other similar institution during their lives. If the opinion of Gov. Paine, in the report of last year, "that the appropriation made by the State for the benefit of the insane poor is sufficient to relieve those who may become insane from time to time," be correct, then the amount at first required will constantly be diminished from year to year, as death shall relieve their sufferings, and the progress of a few years will remove the whole burden. The amount at first required would be from twelve to eighteen thousand dollars.

By a literal construction of the resolution under which we act, the above annunciation would seem to complete our labors; but there is reason to suppose we are expected, not only to ascertain the amount of expenditures which the contemplated object will require, but also to present, if possible, an expedient and practicable plan of carrying it into operation.

If the General Assembly should be called upon to appropriate so large a sum as eighteen thousand dollars, or even half that sum, this year, and

the same amount annually hereafter, except so far as it should be diminished by the annual deaths of the beneficiaries, we are aware that some sufficient reason should be found to justify it. The claims of humanity, the luxury of relieving the wants of our suffering fellow citizens, ought ever and probably ever do awaken the sympathies and find a favorable response in the bosoms of enlightened legislators; but these alone, we fear, would hardly prove sufficient, in the present condition of our finances, to justify the measure in the minds of all, or even a majority, of those who will be required to act upon it. This, however, is the only ground on which the enterprize can be urged, for these persons, admitted to be incurable, are not, of course, expected to be restored to health, usefulness, and the common enjoyments of life. All the measure contemplates is placing them in a condition in which their mental and physical sufferings shall be, as far as possible, alleviated.

It will readily be admitted that the insane, especially that class which may not be safely trusted without some kind of confinement, may not be so comfortably and at the same time so cheaply taken care of by the towns as at a public institution especially designed for such; but monomaniacs, lunatics, and idiots, will, in general, suffer as little under the faithful execution of the present laws as under such a modification of them as would transfer the burden and expense to the State. It is also obvious that children, those suffering from chronic diseases, and the aged, among the poor, might have *their* condition materially improved, and *their* sufferings alleviated, if taken from the careless and often heartless management of the towns and put in public hospitals or other places calculated for their special benefit. Why, then, may not the claims of humanity be urged in these cases as forcibly as in that of the insane? Would not the selection of the insane for the bounty of the State be unjust to these other classes of paupers, and still more so to the towns charged with their support?

Should our humanity be of that exclusive character which spends all its sympathies upon the insane, possibly because the public attention has been for a few years much directed that way, we may yet query whether the representatives of towns burthened with the support of the other classes above named will not think it quite too exclusive, seeing that it brings to them not only no relief but an increased burden, and that for the benefit of other towns, at most, no worse off than themselves.

It is believed that the Vermont Asylum cannot, with its present accommodations, receive an increase equal to all the insane poor in the State; the proposed measure would, therefore, involve a large expenditure in erecting additional buildings, or the establishment of a similar institution in another part of the State. This might in a few years prove a useless outlay, the additional structures becoming untenanted in consequence of the continued and perhaps increased success of the efforts for curing the insane.

One other mode of securing the proposed object might be found in a law making it the duty of towns having insane poor to support, to remove them to an Asylum, and continue them there during their lives. Possibly this might be effected by the imposition of severe penalties; but we have very little faith in such enactments. If the new duty should be attended by any considerable augmentation of expense, such an act, like many others on our statute book, would be likely to prove a dead letter.

But the evils most to be deprecated, as already hinted, arise from the necessity of caging up, or otherwise confining that class of the insane

which may be called demoniacs or mad men, and leaving them in solitude, to brood over their miseries, or waste their energies, and shorten their lives in desperate efforts to regain their liberty. Their sufferings are heart-rending, and their filthy condition often intolerable to every beholder. If this class could be properly provided for, the whole object, so far as it is deemed practicable, might be attained. To an act, requiring the towns to remove all such to a suitable Asylum, if sufficiently guarded to prevent abuse, there could be but little objection. Even should provision be made for defraying the additional expense, if any, by the State, the public bounty would be as properly applied as is the present annual appropriation for the benefit of those who now enjoy it. An effort to accomplish the object thus far, the committee feel authorized to recommend.

The resolution, under which we act, does not restrict our inquiries to the insane *poor*, but in its terms does also embrace those who are at private charge. We have, however, considered that the ties of relationship and the operation of the present laws do effectually guard the interests of such, and leave no legitimate ground for further legislative action. The idea of taking such persons from the custody and control of their friends, able to maintain them, or of relieving their own estates from the burden of their support, we have not supposed was entertained by any.

The committee are aware that their inquiries have been circumscribed, and may appear somewhat superficial, which is mainly owing to the failure in obtaining the desirable statistical information. Laboring without this, correct conclusions on many points are with difficulty arrived at. We have presented what appear to us some of the most obvious considerations likely to influence the action of the General Assembly, and thus we leave the subject, to be disposed of in the way which wisdom and prudence shall direct.

D. M. CAMP,  
WILLIAM HEBARD, } Committee,  
GEORGE C. CAHOON,

October 10, 1844.

**GOV. MATTOCKS' REPORT AS COMMISSIONER OF DEAF  
AND DUMB, BLIND, AND INSANE POOR.\***

*To His Excellency, William Slade, Governor of Vermont:*

The undersigned, under the direction of an act of the Legislature, makes the following report in relation to the Deaf and Dumb, the Insane Poor, and the Blind:

He has admitted during the past year to the American Asylum for the Deaf and Dumb at Hartford, Ct., two persons; and there are now at that Asylum eighteen persons at the expense of the State.

He has admitted into the Asylum at Brattleboro', as State beneficiaries, eleven insane persons; and there are now at that Asylum twenty-four insane persons at the expense of the State.

He has admitted to Massachusetts Asylum for the Blind, at Boston, two persons; and there are now at that institution seven persons at the expense of the State.

|                                                                                 |            |
|---------------------------------------------------------------------------------|------------|
| He has drawn from the Treasury and paid to the Asylum<br>for the Deaf and Dumb, | \$3,096 03 |
| To Asylum for the support of the Insane Poor,                                   | 1,985 71   |
| To Asylum for the support of Blind State beneficiaries,                         | 960 00     |

|                                   |            |
|-----------------------------------|------------|
| Whole amount drawn from Treasury, | \$5,934 74 |
|-----------------------------------|------------|

Several applications have been made in behalf of the Insane Poor, which have been refused, as the appropriations made by the State were insufficient to meet all the applications; but as a Committee has been appointed by order of the Legislature to report upon this subject, the subscriber forbears to make any further suggestions upon this matter.

JOHN MATTOCKS.

October, 1844.

\* Referred to on page 48 of Journal.

RETURN OF INSPECTOR GENERAL OF BEEF AND PORK,  
OCT., 1844.\*

To His Excellency, the Governor:

Sir:

There has been packed and branded, for exportation, in this State, the past year, the following provisions:

By J. & J. Simonds, Shoreham,—

|       |         |              |
|-------|---------|--------------|
| 4,895 | Barrels | Mess Beef,   |
| 879   | "       | No. 1, Beef, |
| 150   | "       | Prime Beef.  |

By D. Rich & Co., Shoreham,—

|       |          |             |
|-------|----------|-------------|
| 2,560 | Barrels  | Mess Beef,  |
| 69    | half do. | do.         |
| 294   | Barrels  | No. 1 Beef, |
| 97    | "        | Prime Beef. |

ELMER JONES,

*Inspector General of Beef and Pork.*

SHOREHAM, Oct. 7, 1844.

\* Referred to on page 48 of Journal.

**GOVERNOR'S MESSAGE RELATIVE TO CERTAIN UNDISTRIBUTED MONEYS.\***

*To the Senate and House of Representatives:*

I am informed by the Treasurer that, in re-apportioning the surplus revenue under the census of 1840, he has made the whole population of the State the basis of the apportionment, and not the population of the organized towns; and that the result is, that there is a residuum in his hands, which has stood to the credit of the Gores and unorganized Towns, since the 20th of March, 1843, as follows:

|                                   |           |
|-----------------------------------|-----------|
| East Haven,                       | \$181 20  |
| Avery's Gore, in Franklin County, | 80 33     |
| Avery's Gore, in Addison County,  | 178 82    |
| Buel's Gore,                      | 41 46     |
| Goshen Gore, by Plainfield,       | 100 98    |
| Goshen Gore, by Wheelock,         | 327 94    |
| Harris' Gore,                     | 36 78     |
| Coventry Gore,                    | 23 03     |
| Averill,                          | 25 32     |
| Wenlock,                          | 64 29     |
| Bradley Vale,                     | 114 74    |
| Total,                            | \$1174 89 |

These sums remain in the hands of the Treasurer, in consequence of there being no organ of the Gores and towns in question, competent to receive the same; and must continue so to remain unless apportioned among the organized towns, or unless some provision be made by law whereby the amount may be made available for the benefit of schools in the Gores and unorganized Towns.

I deem it my duty to submit the matter to the General Assembly, for their consideration as to the disposition which shall be made of the moneys thus left undistributed in the apportionment referred to.

WILLIAM SLADE.

EXECUTIVE CHAMBER, Oct. 25, 1844.

\* Referred to on page 64 of Journal.

REPORT OF COMMITTEE ON THE JUDICIARY ON THE SUBJECT OF THE JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES.\*

The Committee on the Judiciary, to whom was referred the accompanying resolution, respectfully report, that, in the opinion of the Committee, as to the first subject of enquiry: Neither House has power to include any matter extraneous to their "votes and proceedings" as expressed in Part 2, Sec. 14, of the Constitution of this State, in the publication of the Journals of the Senate and House of Representatives, as provided for in Chap. 5, of the Revised Statutes.

As to the second subject of enquiry: That part of the Appendix of the Journal of the House of Representatives for 1843 from the 1st to the 31st pages inclusive, purporting to be a "Journal of the Joint Assembly," is not required by any existing law to be printed in either the Journals of the Senate or House of Representatives.

As to the third subject of enquiry: Neither the Senate by itself, nor the House of Representatives by itself, has power to make any disposition of the votes and proceedings of the Joint Assembly or of a Joint Committee, and incorporate and print the same with its Journal.

As to the fourth subject of inquiry: The Secretary of State having custody of the Journals of the Joint Assembly, is not bound to obey the order of either House acting by itself to furnish a copy of such Journals for publication. Nor do the Committee find any law requiring him to furnish such Journal to be printed at all. In the absence of any existing law requiring him so to do, the Committee do not see how he can be obliged to do so unless by a concurrent resolution of the two Houses, which is understood to be of equal force as an act in due form.

As to the fifth subject of enquiry: The Committee do not find that any one is authorised by any existing law to contract for, or procure the printing of the Journal of the Joint Assembly. The Secretary of State, by the existing law, is authorized to contract for and procure the publication of only the public and private acts of the General Assembly. The Secretary of the Senate and the Clerk of the House of Representatives are authorized to contract for the printing of only the Journal of their respective Houses. If either procured more than it is thus provided he shall procure to be printed, it would seem to be without authority of law; and being so, the Auditor of Accounts has not power given him by law to audit and allow the accounts for such unauthorized printing.

J. BARRETT, *for Committee,*

\* Referred to on page 75 of Journal.

**COMMUNICATION FROM THE GOVERNOR RELATIVE TO  
STATISTICS OF COMMON SCHOOLS.**

*To the Senate:*

I have the honor to inform you that I have transmitted to the House of Representatives, for the use of the General Assembly, the returns of the statistics of Common Schools, made to me under an act of the last session, together with an abstract of the same,—from which it appears that returns have been received from only 159 towns; and that there are, in those towns, 1809 school districts; that they contained in 1843, 25,874 families—64,950 children between the ages of 4 and 18, and 52,665 children who attended school in said year; that schools were taught by male teachers 3896 months and by female teachers 6987 3-4 months; that there was paid to the former, for wages, \$51,067 75, and to the latter, \$33,605 30—amounting to \$84,673; and that there had been received by those districts, within said year, of public money, the sum of \$60,- 694 87.

It results from these data, that 19 per cent. of the children between 4 and 18, did not attend the common schools—(a portion of those children, doubtless attended select schools;) that the average monthly wages of the male teachers was \$13,11, and of the female teachers, \$4,80; that the average number of months taught in each district, by teachers of both sexes was six, and the average number of children that attended school in each district 29; and that the amount paid teachers was equal to \$1,61 to each scholar taught.

It furthermore appears that the population of the towns from which returns have been received, was, in 1840, 193,253; and that the amount paid to teachers, other than those of select schools, in the whole state, assuming the returns received, and the population in the towns returned, and the population of the State, as the basis of the calculation, is \$128,000 per annum.

**WILLIAM SLADE,**

**EXECUTIVE CHAMBER,** }  
**October 30, 1844.** }

\* Referred to on page 84 of Journal.

REPORT OF JOINT COMMITTEE ON RESOLVES OF OTHER  
STATES RELATIVE TO THE ANNEXATION OF TEXAS  
TO THE UNION.\*

*To the Legislature now in session:*

The Committee to whom was referred the Resolves of the Legislatures of Massachusetts, Mississippi and South Carolina, relating to the Annexation of Texas to this Union, submit the following report:

The great prominence which has been assigned to the question of annexing the Republic of Texas to this Union, in the exciting and animated political controversies of the day, no less than the intrinsic magnitude and seriousness of the question itself, has attracted so universal and earnest an attention to its merits, that an elaborate discussion of them, at this period, is believed to be wholly unnecessary. The people of this State, by their representatives in their General Assembly, have heretofore, on more occasions than one, avowed their deliberate, and well considered hostility to this project; briefly and clearly setting forth the reasons on which that hostility is founded. These reasons have acquired additional validity by the lapse of time, and the force of intervening circumstances.

Recent events have largely increased the public interest in this measure of annexation. It is but a few months since the purpose to accomplish it by means of treaty stipulations was, almost simultaneously, disclosed and defeated. The extraordinary and highly censurable manner in which the negotiations which preceded and accompanied the formation of that treaty were conducted; the undignified, and even humiliating, attitude in which the publication of those negotiations presented the Government of the United States; and the atmosphere of secrecy and mystery in which it was attempted to conceal the whole transaction up to the very moment when the treaty was submitted for approval to the co-ordinate branch of the treaty-making authority, all tended, in an almost unprecedented degree, to awaken the popular attention. The question has, therefore, in all its aspects, been considered and examined with a thoroughness and publicity which not only precludes the necessity of a present discussion of it, but which, it may be presumed, will, under the popular verdict about to be pronounced upon it, be intelligent and decisive.

Of the resolves referred to the Committee, those of the Legislatures of Mississippi and South Carolina earnestly recommend the proposed annexation, while those of the Legislature of Massachusetts, as earnestly deprecate and oppose it. The opinions and sympathies of Vermont are with her New England sister. With her, she would abide, faithfully and honestly by the Constitution, its compromises and its concessions; while she would, at all times, protest against, and oppose, the exercise of powers not delegated by it to the General Government. Holding herself prepared and solicitous, to co-operate in any lawful and practicable plan for the

\* Referred to on page 90 of Journal.

melioration of the condition of the suffering and the oppressed, she will resist the execution of any project which professes to "extend the area of Human Freedom" by enlarging the territory of Human Slavery.

It is not a little remarkable that the most strenuous and pertinacious advocacy of annexation,—a measure not warranted either by the letter or the spirit of the Constitution,—should proceed from a portion of our sister States heretofore especially distinguished by the most inflexible maintenance of the doctrines of "*Strict Construction*" and "*State Rights*." It is a warrantable inference that so sudden and complete an abandonment of long-cherished and loudly-professed opinions has been effected only by motives arising from the supposed insecurity of "*a peculiar institution*" of the South, rather than from an enlarged reference to the interests or the wants of the whole country. By this view of the case, we are admonished of the feebleness of the barriers of vaunted principle, when we are assailed by considerations of *self-interest*; and how easily pride of opinion, and a regard for consistency of opinion, may be surrendered, when they are found to stand opposed to a favorite object of pursuit.

Without desiring, however, to impeach the motives of those who are most urgent to consummate this scheme of annexing a foreign State to our Republic, the Committee consider the present an appropriate occasion to declare, that the aid or countenance of Vermont will not be likely to be given to *any* project, whose design or tendency may be to re-establish or strengthen the crumbling foundations of an institutions so incompatible with freedom, and so injurious to our national character, as that of domestic slavery.

The Committee recommend the adoption of the following resolutions :

*Whereas*, the Constitution of the United States confers upon the General Government no authority whatever to annex to this confederacy any foreign and independent State; and

*Whereas*, the exercise of such authority, even were it clearly conferred by the Constitution, would directly tend to weaken the bonds of our Union, by multiplying the various and conflicting interests of its members, and diminishing its power to foster and protect them; and

*Whereas*, considerations of justice and humanity, of consistency and self-respect, most sacredly impel the American people, whose boast it is to have erected an empire whose strong arm of defence is found in an enlightened love of liberty, and hatred of oppression, to denounce and oppose every project, whose design or tendency is to add an inch to the territory, or a moment to the duration, of domestic slavery :

**THEREFORE,**

*Resolved*, by the General Assembly of the State of Vermont, That, in the opinion of this Legislature, the annexation of Texas to this Union would be unconstitutional, inexpedient and unjust.

*Resolved*, That, in the name of our constituents, and for ourselves, we hereby solemnly *Protest* against, and declare the hostility of the State of Vermont to, such annexation, and request our Senators and Representatives in Congress, to use their exertions to prevent its being consummated.

*Resolved*, That the Governor of this State be requested to transmit a

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copy of the foregoing resolutions to the Governor of Massachusetts, Mississippi and South Carolina, and of each of the other States of this Union, and to the President of the United States, and each of our Senators and Representatives in Congress.

JOSEPH WARNER, *for Committee.*



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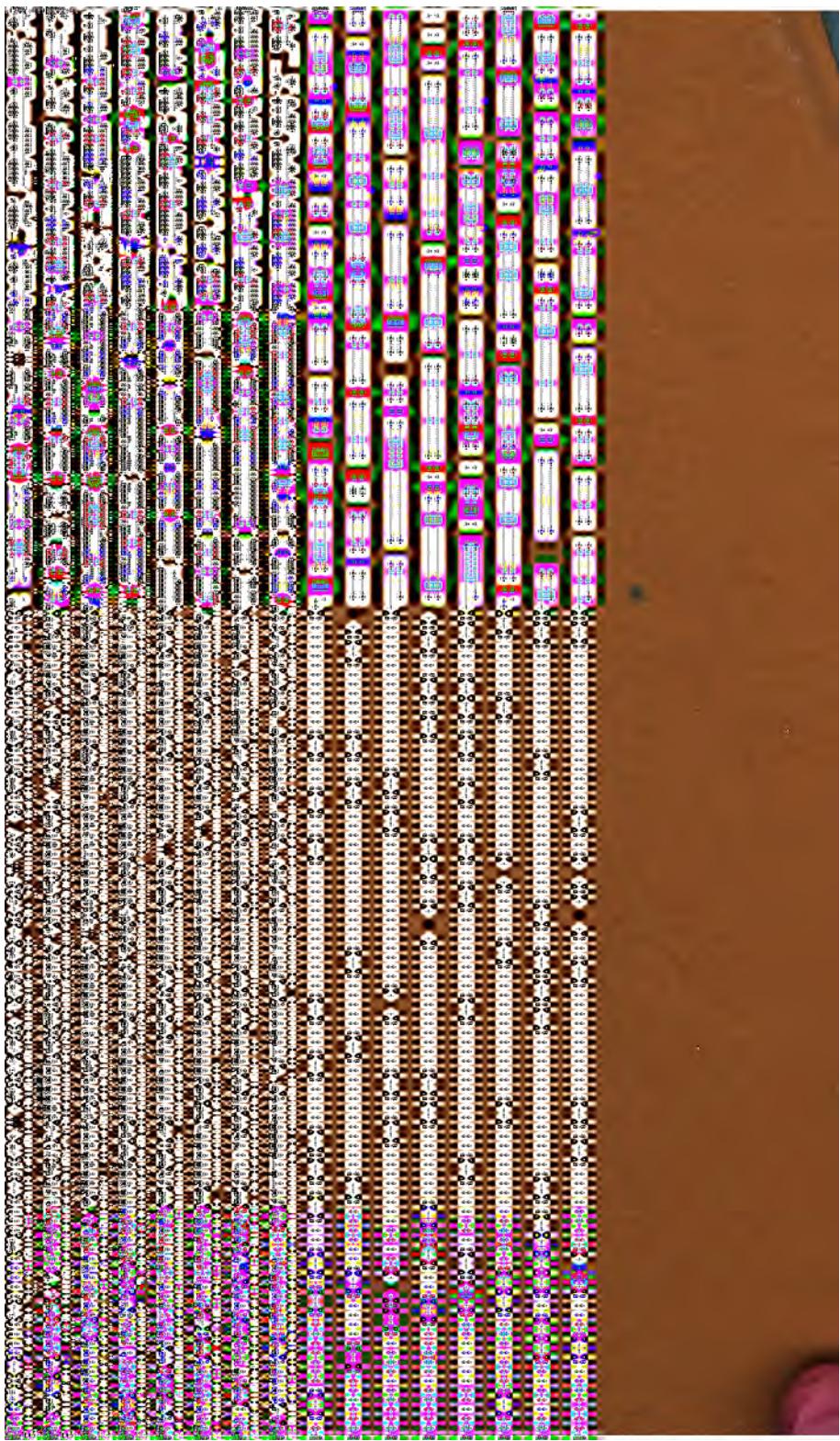
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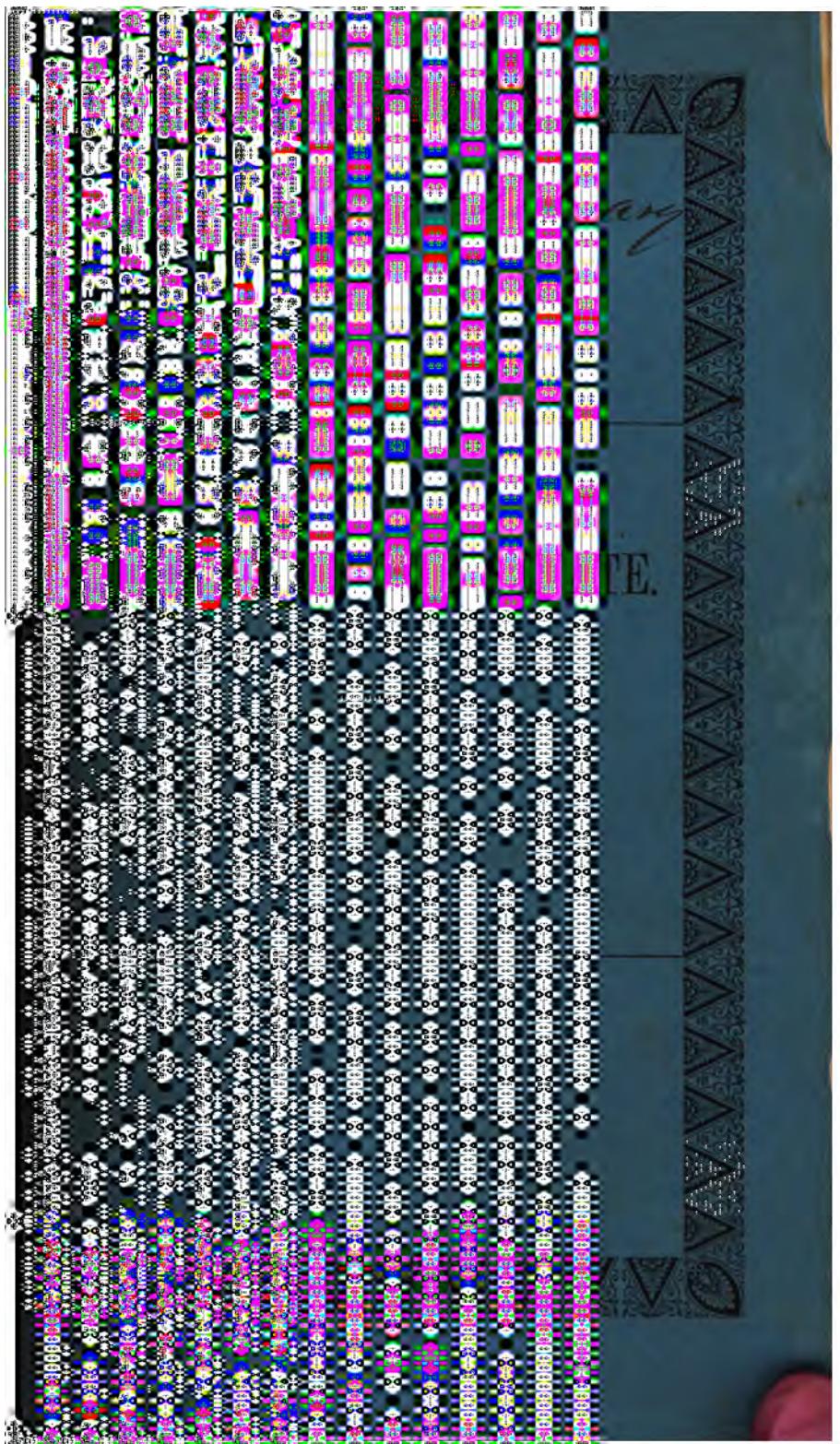
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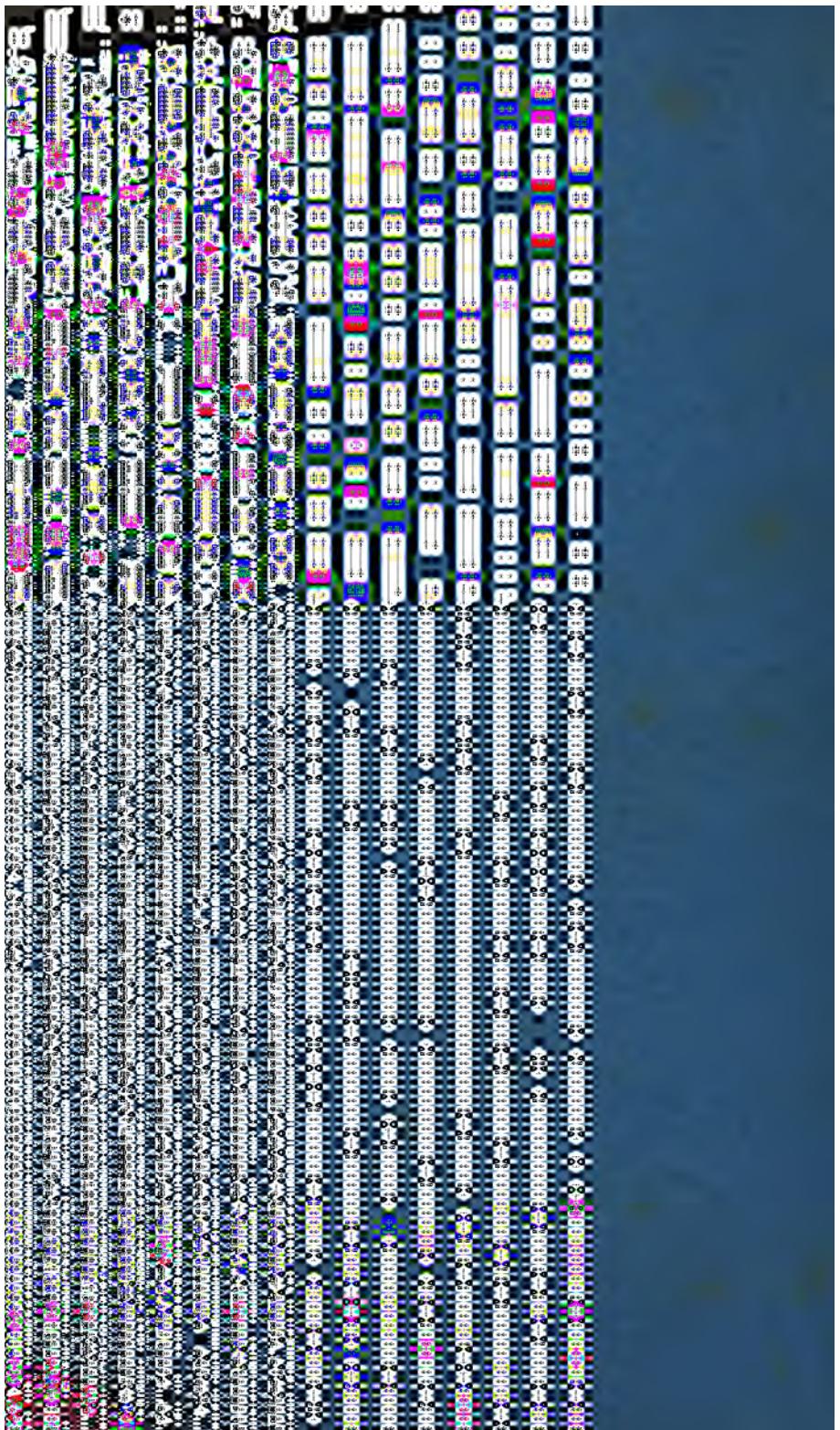
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THE  
JOURNAL OF THE SENATE

OF THE

STATE OF VERMONT.

OCTOBER SESSION,

1845.

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# JOURNAL.

THURSDAY, OCTOBER 9, 1845.

AGREEABLY to the provisions of the Constitution, the Senate of the State of Vermont convened at the State House in Montpelier, on the second Thursday, being the ninth day of October, in the year of our Lord one thousand eight hundred and forty-five.

At ten o'clock A. M. the Senate was called to order, in the absence of the Lieutenant Governor, by D. W. C. Clarke, the Secretary, when the roll was called, and the following Senators answered to their names:

|                    |   |                                                                              |
|--------------------|---|------------------------------------------------------------------------------|
| BENNINGTON COUNTY, | { | BLACKMAN E. BROWNELL,<br>ASAHEL HURD,                                        |
| WINDHAM COUNTY,    | { | JOHN CAMPBELL,<br>EBENEZER HOWE, JR.,<br>REUBEN WINN.                        |
| WINDSOR COUNTY,    | { | JAMES BARRETT,<br>THOMAS T. BARRETT,<br>BENJAMIN BILLINGS,<br>JUSTIN MORGAN. |
| RUTLAND COUNTY,    | { | FREDERICK BUTTON,<br>JOSEPH H. CHITTENDEN,<br>GEORGE T. HODGES.              |
| ADDISON COUNTY,    | { | DAVIS RICH,<br>ENOCH D. WOODBRIDGE.                                          |
| ORANGE COUNTY,     | { | HORACE FIFIELD,<br>REUBEN PAGE,<br>LEVI B. VILAS.                            |
| CHITTENDEN COUNTY, | { | HARRY BRADLEY,<br>DANIEL H. ONION.                                           |
| WASHINGTON COUNTY, | { | RODERICK RICHARDSON,<br>ORAMEL H. SMITH.                                     |
| CALEDONIA COUNTY,  | { | WELCOME BEAMIS,<br>WILLIAM SIAS.                                             |
| FRANKLIN COUNTY,   | { | HIRAM BELLOWES,<br>WILLIAM CLAPP,<br>ALVAH SABIN.                            |
| ORLEANS COUNTY,    | { | ENOCH B. SIMONDS.                                                            |
| LAMOILLE COUNTY,   | { | DAVID P. NOYES.                                                              |
| GRAND ISLE COUNTY, | { | LEWIS LADD.                                                                  |

The oath of office was thereupon administered to the Senators present, by the Secretary.

The Senate then proceeded to ballot for a President *pro tempore*.  
Mr. Noyes and Mr. Sabin were appointed tellers, and the ballots having been taken and counted, the

Hon. JAMES BARRETT,  
a Senator from Windsor County, was found to have been elected, and the oath of office was administered by the Secretary, and he took the Chair.

On motion of Mr. Woodbridge, it was  
*Ordered*, That the rules of the Senate of last session be adopted as the rules of the present session, until otherwise ordered.

On the nomination of the President *pro tempore*, the following Senators were appointed the Committee on the part of the Senate, to canvass the votes for Governor, Lieutenant Governor, and Treasurer, for the year ensuing :

Messrs. Howe of Windham County,  
Hurd of Bennington County,  
Chittenden of Rutland County,  
Billings of Windsor County,  
Onion of Chittenden County,  
Bellows of Franklin County,  
Page of Orange County,  
Smith of Washington County,  
Bemis of Caledonia County,  
Marshall of Essex County,  
Noyes of Lamoille County,  
Simonds of Orleans County,  
Ladd of Grand Isle County.

And they were sworn.

Mr. Morgan introduced the following resolution, which was read and passed :

*Resolved*, by the Senate and House of Representatives, That the two Houses meet in Joint Assembly at three o'clock this afternoon, to hear the report of the Canvassing Committee.

On motion of Mr. Hodges, it was  
*Ordered*, That the Secretary inform the House of Representatives that the Senate have met, and organized by the election of the Hon. JAMES BARRETT, their President *pro tempore*, and are ready to proceed to business.

On motion of Mr. T. T. Barrett, it was  
*Ordered*, That the Senate do now proceed to the election of a Secretary and Assistant Secretary for the year ensuing.

Whereupon,  
The ballots having been taken, it was found that

D. W. C. CLARKE

was elected Secretary of the Senate; and the oath of office was administered to him by the President *pro tempore*; and that

FREDERICK BILLINGS

was elected Assistant Secretary; and the oath of office was thereupon administered to him by the Secretary.

On motion of Mr. Sabin, it was  
*Ordered*, That the Senate do now proceed to elect a Chaplain for the year ensuing.

On taking and counting the ballots, the

Rev. JOHN GRIDLEY

was found to be duly elected, and the Secretary was directed to apprise him of his election.

On motion of Mr. Hodges, it was

*Ordered*, That a Committee of two Senators be appointed by the President *pro tempore*, to wait on his Excellency the Governor, and inform him that the Senate have met and organized, and are ready to receive any communication he may be pleased to make.

Mr. Hodges and Mr. Smith were appointed by the President *pro tempore* to perform that duty.

Mr. Morgan introduced the following resolution, which was read and passed :

*Resolved*, by the Senate and House of Representatives, That the Secretary and Clerk procure to be published in pamphlet form, for the use of the General Assembly, four hundred copies of the Legislative Directory, embracing the Joint Rules, and Rules of each House.

Mr. T. T. Barrett introduced the following resolution, which was read and passed :

*Resolved*, That the Secretary cause to be provided for the President, Secretary, Assistant Secretary, and each of the Senators, one daily and one weekly newspaper, as each shall designate, printed in this village.

On motion of Mr. Sabin, it was

*Ordered*, That when the Senate adjourn, it shall be to meet at three o'clock this afternoon.

A message from the House of Representatives, by Mr. Merrill, their Clerk *pro tempore* :

MR. PRESIDENT:—I am directed to announce to the Senate that a quorum of the House of Representatives have convened, and organized by the election of the Hon. EBENEZER N. BRIGGS, Speaker, and of FERRAND F. MERRILL, Clerk *pro tempore*, and are now ready to proceed to business.

The House have on their part appointed a Committee to canvass the votes for Governor, Lieutenant Governor, and Treasurer, for the year ensuing.

The House concur with the Senate in passing the resolution providing for a Joint Assembly of the two Houses, to hear the report of the Canvassing Committee.

On motion of Mr. T. T. Barrett,  
The Senate adjourned.

## AFTERNOON.

Mr. George Marshall, the Senator elect for Essex County, appeared on the floor of the Senate, and was sworn and took his seat.

Mr. Hodges, from the Select Committee appointed to wait on the Governor and apprise him of the organization of the Senate, and that they were ready to receive any communication he might have to make to them, reported that the Committee had performed the duty assigned to them.

A message from the House of Representatives, by Mr. Merrill, their Clerk *pro tempore*:

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for the adoption, *pro tempore*, of the Joint Rules of the last session, in which they request the concurrence of the Senate.

The Senate took up the resolution from the House providing for the adoption, *pro tempore*, of the Joint Rules of the last session.

And it was passed in concurrence.

The hour designated, by a concurrent resolution of the two Houses, for a Joint Assembly to hear the report of the Canvassing Committee, having arrived, the Senate repaired to the hall of the House of Representatives.

The Senate having returned from the meeting of the Joint Assembly,

Mr. Morgan introduced the following resolution, which was read and passed:

*Resolved*, by the Senate and House of Representatives, That both Houses meet in Joint Assembly, at four o'clock this afternoon, for the purpose of electing a Governor, Lieutenant Governor, and Treasurer, for the year ensuing.

A message from the House of Representatives, by Mr. Merrill, their Clerk *pro tempore*:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution providing for a Joint Assembly, to elect a Governor, Lieutenant Governor, and Treasurer, for the year ensuing.

Mr. Hodges introduced the following resolution, which was read and passed:

*Resolved*, by the Senate and House of Representatives, That the members of both houses meet in County Conventions, on Friday next, at three o'clock in the afternoon, to nominate County Officers; and that both Houses meet in Joint Assembly on Saturday next, at ten o'clock, A. M., to make County appointments.

The hour designated for a meeting of the two Houses in Joint Assembly, to elect a Governor, Lieutenant Governor, and Treasurer, for the year ensuing, having arrived, the Senate repaired to the hall of the House of Representatives.

And, having returned therefrom,

FRIDAY, OCTOBER 10, 1845.

7

On motion of Mr. Sabin, it was  
Ordered; That a Committee of two Senators be appointed by the  
President *pro tempore*, to wait on the Lieutenant Governor elect and con-  
duct him to the Chair of the Senate.

Mr. Sabin and Mr. Richardson were appointed to perform this duty.

On motion of Mr. Sabin,  
The Senate adjourned.

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FRIDAY, OCTOBER 10, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Sabin, from the Select Committee appointed to wait upon the Lieutenant Governor elect and conduct him to the Chair of the Senate, announced to the Senate that His Honor was now in attendance, and prepared to take the oath of office prescribed by the constitution and laws of the State, and to enter upon the performance of the duties of his office.

Whereupon, His Honor HORACE EATON, Lieutenant Governor elect, appeared in the Senate Chamber, the oath of office was administered to him by the Secretary, and he assumed the Chair.

A message from the House, by Mr. Merrill, their Clerk *pro tempore*:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution providing for the publication of a Legislative Directory; and they have passed a resolution providing for County and Probate District Conventions, and for a Joint Assembly to complete the County appointments, in which they request the concurrence of the Senate.

The Senate took up the resolution from the House providing for County and Probate District Conventions this afternoon, at three o'clock, and for a Joint Assembly to-morrow, at ten o'clock, A. M., to complete County appointments.

And it was passed in concurrence.

(S. 1.) Mr. J. Barrett introduced a bill entitled "An act in amendment of Chapter 80 of the Revised Statutes, entitled 'Of Banks.'"

And it was read the first and second time, and referred to the Committee on Banks.

The following communication from the Governor was received and read:

To the President of the Senate:

I have the honor to inform the Senate that I propose to take the oaths which the Constitution prescribes for the Governor of the State,

in the Executive Chamber, at two o'clock this day, and to make my annual Executive communication to the General Assembly at ten o'clock to-morrow morning; and also, that I have appointed Mr. George H. Beaman of Rutland, Secretary of Civil and Military Affairs.

WILLIAM SLADE.

October 10, 1845.

On motion of Mr. Billings, it was  
*Ordered*, That the Senate do now proceed to elect the Standing Committees.

And the ballots having been taken and examined, the following Senators were found to be elected:

*On Finance*—Mr. Rich, Chairman; Mr. Fifield, and Mr. Onion.

*On the Judiciary*—Mr. J. Barrett, Chairman; Mr. Vilas, and Mr. Woodbridge.

*On Claims*—Mr. Hurd, Chairman; Mr. Noyes, and Mr. Hodges.

*On Education*—Mr. Sabin, Chairman; Mr. Smith, and Mr. Campbell.

*On Agriculture*—Mr. Button, Chairman; Mr. Ladd, and Mr. Howe.

*On Manufactures*—Mr. Winn, Chairman; Mr. Billings, and Mr. Richardson.

*On Elections*—Mr. Morgan, Chairman; Mr. Fifield, and Mr. Clapp.

*On Military Affairs*—Mr. T. T. Barrett, Chairman; Mr. Page, and Mr. Brownell.

*On Roads and Canals*—Mr. Chittenden, Chairman; Mr. Marshall, and Mr. Bellows.

*On Banks*—Mr. Bradley, Chairman; Mr. Smith, and Mr. Sias.

*On Land Taxes*—Mr. Bemis, Chairman; Mr. Richardson, and Mr. Simonds.

The following communication from the Speaker of the House of Representatives was received and read:

HOUSE OF REPRESENTATIVES, }  
 Oct. 10, 1845. }

SIR:—I have the honor to inform the Senate that the House of Representatives have elected Ferrand F. Merrill their Clerk for the year ensuing.

I am, very respectfully,

Your ob't servant,  
 E. N. BRIGGS,

*Speaker of the House of Representatives.*

Hon. HORACE EATON,  
*President of the Senate.*

On motion of Mr. J. Barrett, it was

*Ordered*, That the Committee on Rules be appointed by the President.

The following Senators were thereupon appointed as the Committee on Rules:

Mr. J. Barrett, Chairman; Mr. Vilas, and Mr. Hodges.

Mr. Billings presented the petition of Martin Perry of Ludlow and 41 others, praying for legislative action in aid of the improvement of Common School education.

Mr. Campbell presented a like petition from David Allen of Putney and 85 others.

Mr. J. Barrett presented a like petition from Joel Clapp of Woodstock and 72 others ; and

Mr. Page presented a like petition from Jacob Kent of Newbury and 25 others.

Which several petitions were read and referred to the Committee on Education.

Mr. Campbell also presented the petition of Sylvester Grout, praying for relief under existing laws respecting School Districts.

And it was read, and on his motion referred to the Committee on the Judiciary.

Mr. T. T. Barrett presented the petition of William Rounds, Jr., praying for payment for services rendered under the militia law of 1842. And it was read and referred to the Committee on Claims.

On motion of Mr. Chittenden,  
The Senate adjourned.

## AFTERNOON.

Mr. Woodbridge presented the petition of Amon Bailey of Poultney and 43 others, praying for legislative action in behalf of the improvement of Common School education.

Mr. Onion presented a like petition from O. L. Shafter of Wilmington and 48 others ; from Moses Bliss of Sheldon and 17 others, and from J. W. Staples of Charlotte and 51 others.

Mr. Button presented a like petition from Lewis M. Walker of Clarendon and 78 others.

And these petitions were severally referred to the Committee on Education.

(S. 1.) Mr. Bradley, from the Committee on Banks, to whom had been referred the bill entitled "An act in amendment of Chapter 80 of the Revised Statutes, entitled 'Of Banks,'" reported the same, with the proposal to amend by inserting the words "time, or" before the word "term," in the 7th line ; and thus amended, the Committee recommended the passage of the bill.

The amendment proposed was adopted, and the bill

*Ordered*, To be engrossed and read the third time.

On motion of Mr. J. Barrett,

The rule having been suspended by unanimous consent, the bill, duly engrossed, was thereupon read the third time and passed.

Mr. Billings introduced the following resolution, which was read and passed :

*Resolved*, by the Senate and House of Representatives, That a Committee of two be appointed from each body, to report Joint Rules for the present session.

Mr. Chittenden presented the petition of D. A. Barber of Benson and

78 others, praying for legislative action in promotion of the improvement of Common School education.

Which was referred to the Committee on Education.

On motion of Mr. Noyes,  
The Senate adjourned.

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SATURDAY, OCTOBER 11, 1845.

Prayer by the Chaplain.

On motion of Mr. J. Barrett,  
The reading of the journal of yesterday was dispensed with.

Mr. J. Barrett, from the select Committee on Rules, reported the following resolution, which was read and passed:

*Resolved*, That the Rules of the Senate of the last, be adopted as the Rules of the present session, as follows:

1. The credentials of Senators shall be presented to the Secretary or Assistant Secretary, previous to nine o'clock in the morning of the second Thursday of October, at which time the Senate shall be called to order. The names of the Senators shall be called over, and when a quorum shall have taken their seats, they shall, having first taken the necessary oaths, on nomination of the President, appoint a canvassing committee, consisting of one Senator from each county, to join such committee as the House of Representatives may appoint, whose duty shall be to receive, sort, and count, the votes for Governor, Lieutenant Governor, and Treasurer, and make report thereof to the joint assembly of both houses.

2. The Senate shall meet every day (Sundays excepted) at nine o'clock in the morning, and two o'clock in the afternoon, unless otherwise specially ordered.

3. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, and all errors therein corrected.

4. In case no quorum shall assemble within fifteen minutes after the time to which the Senate was adjourned, those present shall have power to send the Sergeant-at-Arms, or other officer, after the absentees, and compel their attendance.

5. Whenever the Senate shall assemble, according to adjournment, or at the commencement of a session, and the President shall be absent, it shall be the duty of the Secretary, if present, if not, of a Senator, to call to order; and the Senators present, if a quorum, shall, by ballot, elect a President *pro tempore*.

6. No Senator shall be absent without leave, unless he is sick, or otherwise necessarily detained.

7. No Senator shall audibly speak to another, or otherwise interrupt the business of the Senate, while the journals or other public papers are being read, or while a Senator is orderly speaking in debate.

8. Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished shall sit down.

9. No member shall speak more than twice on the same question, without leave of the Senate; and Senators who have once spoken shall not again be entitled to the floor (except for the purpose of explanation), to the exclusion of another who has not spoken.

10. In all cases, the Senator first rising and addressing the President (subject to the restriction of rule 9), shall be entitled to the floor, and when two or more arise at the same time, the President shall name the one who is to speak.

11. When a Senator shall be called to order, he shall sit down, and every question of order shall be decided by the President without debate, subject to an appeal to the Senate.

12. If a Senator be called to order for the words spoken, the exceptional words shall be immediately taken down in writing by the Senator calling to order, that the President may be better enabled to judge of the matter.

13. The first hour of each morning's sitting may be devoted to the reception and disposal of petitions, memorials, remonstrances, motions, resolutions, and the introduction of bills; after which, the orders of the day, or other proper business, shall be announced, always commencing with the unfinished business of the last sitting. The first hour of the afternoon's sitting may be occupied in the receiving and disposing of reports of committees, and in completing the business of the morning hour; at the expiration of which, the Senate will again take up the orders of the day.

14. Reports of committees may be signed by any member in behalf of the committee, and shall be by him presented to the State, when a call for reports is made. The signer of each report shall be held responsible for the accuracy of its statements, and the propriety of its language, and when the same shall be under consideration, he shall be further liable to give additional statements of facts, or other explanations, in answer to the call of any Senator.

15. The proceedings of the Senate, except when acting as in Committee of the Whole, embracing the titles of bills, and such parts thereof as may be affected by proposed amendments, and also the names of Senators, and the votes which they give on every question decided by yeas and nays, shall be by the Secretary accurately and concisely inserted in the journals.

16. The Senate shall, annually, within the first four days of actual sitting, elect by ballot, (and a majority of all present shall be necessary to a choice,) a Secretary, and an Assistant Secretary, who shall be *ex officio* Engrossing Clerk, who shall be severally sworn to the faithful discharge of their duties, and shall hold said offices until superseded by a new election. The Senate shall also, within the same time, elect the following Standing Committees, to consist of three members each, to wit: On Finance,—on the Judiciary,—on Claims,—on Education,—on Agriculture,—on Manufactures,—on Elections,—on Military Affairs,—on Roads,—on Banks, and on Land Taxes.

17. In the appointment of Standing Committees, (except the one

mentioned in rule 1,) the Senate will proceed by ballot, severally to appoint the chairman of each, and then by one ballot, the other members necessary to complete the same. In the election of a chairman, a majority of the votes given shall be necessary, but for the others a plurality shall be sufficient. All select committees shall be appointed by the President, unless otherwise ordered by the Senate.

18. All bills, after the second reading, and all petitions, memorials, remonstrances, resolutions, and other papers calling for legislative action (except such as have been reported by a committee), no objection being made, shall be referred by the President to appropriate committees.

19. Before any resolution, any petition, or other paper shall be read, whether the same shall be introduced by the President or a Senator, the title shall be fairly endorsed thereon; and a brief statement of its object or contents shall be made by the introducer.

20. Every motion shall be reduced to writing by the mover, if required thereto by the President or a Senator, and a motion to lay another motion, the latter not being in writing, on the table, or otherwise to dispose of it, shall not be in order.

21. Every bill shall receive three readings before it is passed: the President shall give notice at each reading whether it be the first, second, or third; the last of which readings of public bills shall be at least twenty-four hours after the first reading, unless the Senate unanimously direct otherwise. *Provided*, That private bills shall be read the second time by their title. Resolutions requiring the approbation and signature of the Governor, shall be treated in all respects as bills.

22. On the demand of a Senator, public bills, after a second reading, shall be considered by the Senate as in Committee of the Whole.

23. The final question, upon the second reading of every bill which originated in the Senate, shall be "Shall this bill be engrossed and read the third time?" No amendment shall be received at the third reading, but it may be committed for amendment at any time before its final passage.

24. Motions on bills and resolutions shall be sustained in the following order: 1. To postpone indefinitely. 2. To lay upon the table. 3. To commit. 4. To amend.

25. A call for the previous question shall not at any time be in order. A motion to adjourn shall always be in order, and shall be decided without debate.

26. If the question in debate contain several points, the same shall be divided on the demand of a Senator. A motion to strike out and insert shall not be divided, but the rejection of a motion to strike out and insert one proposition, shall not preclude a motion to strike out and insert a different one, or a motion simply to strike out; nor shall the rejection of a motion simply to strike out, prevent a subsequent one to strike out and insert.

27. In filling blanks the largest sum and the longest time shall be first in order.

28. When the reading of a paper is called for, and the same is objected to by a Senator, the question shall be determined by a vote of the Senate.

29. The yeas and nays shall be taken, on the call of a Senator, and every Senator present shall vote, unless excused by the Senate; but no Senator shall be compelled to vote, who was absent when the ques-

tion was stated by the President, nor shall any one be permitted to vote, who was absent when his name was called, nor after the decision of the question has been announced from the Chair.

30. No Senator in the minority, nor one who did not vote on the decision<sup>of</sup> a question, shall have a right to move a reconsideration thereof; nor shall any motion for reconsideration be in order, unless made before the close of the next day of actual sitting of the Senate after that in which the vote was taken, and before the bill, resolution, report, amendment, address, or motion, upon which the vote was taken, shall in the regular progress of business, have gone out of the possession of the Senate.

31. On all questions, in the decision of which a simple majority is required, when the Senate is equally divided, the Secretary shall take the casting vote of the President. In all such cases, a motion for reconsideration, if made in time, shall be in order from any Senator who voted on the question.

32. The President shall have the right to call upon any Senator to discharge the duties of the Chair, whenever he shall find it necessary, temporarily, to retire; but such substitution shall not extend beyond more than one adjournment.

33. The Senate, having taken a final vote on any question, the same shall not again be in order during the same session, in any form whatever, except by way of reconsideration; and when a motion for reconsideration has been decided, that decision shall not be reconsidered.

34. No proposition to amend the rules of the Senate or the joint rules of both Houses, shall be acted on, until the same shall have been before the Senate at least twenty-four hours.

35. Messages shall be sent to the House of Representatives by the Secretary or Assistant Secretary.

36. Reporters may be placed on the floor of the Senate, under the direction of the Secretary, with the approbation of the President.

37. No person shall be admitted within the lobby of the Senate Chamber, except the Governor, Treasurer of the State, Auditor of Accounts, members of the other House, Judges of the Supreme Court, Senators and Representatives in Congress, Ex-Governors and Lieutenant Governors, Ex-Judges of the Supreme Court, Ex-Senators and Representatives in Congress, Ex-Senators of the State Senate, District Judge and Attorney of the United States, members of other State Legislatures, and such gentlemen and ladies as the President or a Senator may introduce.

38. When in session, the Senators shall sit with their heads uncovered.

39. Upon any disorderly conduct in the gallery, the President may order the same to be cleared.

40. Whenever a bill or resolution is laid on the table, by order of the Senate, and shall have remained on the table twenty-four hours, it shall be subject to be taken up by the chair, and presented for the consideration of the Senate, without a call or order on the subject.

41. There shall be one door-keeper and one assistant door-keeper of the Senate;—and the President may employ a boy to attend in the Senate Chamber.

Mr. Chittenden presented the petition of Samuel H. Holman of Weston and 44 others, praying for legislation for the improvement of Common School education.

Mr. Morgan presented a like petition from J. Morgan of Stockbridge and 19 others.

Mr. Campbell presented a like petition from Thomas H. Palmer of Pittsford and 122 others, and the memorial of Thomas H. Palmer, asking legislative attention to the inefficiency of the existing Common School system of the State.

Mr. Simonds presented a like petition from A. L. Twilight of Brattleboro and 40 others.

Mr. Rich presented a like petition from Joseph W. Atwood of Shoreham and 75 others.

Mr. Bemis presented a like petition from J. H. Worcester of St. Johnsbury and 114 others; and from James Beattie of Ryegate and 25 others.

Mr. Howe presented a like petition from J. C. Foster of Brattleboro and 36 others.

And these petitions were respectively referred to the Committee on Education.

The memorial of Thomas H. Palmer was read and referred to the same Committee.

Mr. Page presented the petition of J. W. D. Parker and 39 others, praying for the revival of the Militia law of 1818.

And it was read and referred to the Committee on Military Affairs.

The President announced to the Senate his approval of the nomination of the Sergeant-at-Arms, of HENRY ISHAM as Doorkeeper, and C. M. RUBLEE as Assistant Doorkeeper, to the Senate; and they were severally sworn.

The President also announced that he had appointed CHARLES J. LOOMIS Messenger for the Senate, under the 41st Rule.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives have passed a resolution providing for a Joint Assembly, to elect a Secretary of State, and an Auditor of Accounts against the State, for the year ensuing, in which they request the concurrence of the Senate.

The Senate took up the resolution from the House providing for a Joint Assembly this morning at ten o'clock, to elect a Secretary of State, and an Auditor of Accounts against the State.

And the resolution, on motion of Mr. J. Barrett, was amended by inserting the words "and a Reporter of the Decisions of the Supreme Court."

And, thus amended, the resolution passed in concurrence.

The President announced the appointment of Mr. Billings and Mr. Smith, as the Committee on the part of the Senate to prepare and report Joint Rules of the two Houses, as provided by the resolution on the journal of yesterday.

(S. 2.) Mr. Hurd introduced a bill entitled "An act to incorporate the Bennington County Bank."

And it was read twice and referred to the Committee on Banks.

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A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives concur with the Senate, and adopt the amendment to the resolution providing for a Joint Assembly to elect a Secretary of State, and an Auditor of Accounts, against the State, for the year ensuing.

The House also concur with the Senate in passing the resolution providing for a Joint Committee to prepare and report Joint Rules of the two Houses, and have appointed Mr. Swift and Mr. Kellogg, as the Committee on their part.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs:

Mr. PRESIDENT:—I am directed by the Governor to transmit to the Senate the annual Executive Message to the General Assembly.

The message of the Governor was thereupon read, and is as follows:  
*Fellow citizens of the Senate and House of Representatives:*

The guardianship of the interests of this Commonwealth, which fall within the province of its civil government, has, by the favor of Providence, been committed to us; and we come together for the purpose of its execution. If we would discharge, in the best manner, the duties it involves, we shall begin and end every thing, with a recognition of our dependence upon Him “from whom all good counsels and all just works proceed;” while his claims upon our fidelity to Himself, will become an ever-present incentive to fidelity in the service of the people we represent.

The year which is drawing toward a close has been one of prosperity to our people. Though threatened drought has repeatedly filled them with apprehension and alarm, they have finally been permitted to reap an abundant harvest,—thus happily finding increased motives to gratitude, in deliverances from impending danger, rendered the more impressive by strong contrast with less favored portions of our country.

A great trust has been committed to us, as the constituted guardians of the interests of this people. If, in the struggles connected with the election which has sent us here, we have suffered unworthy passions to gain an ascendancy, as they too often do in political contests, we cannot come here and enter upon the sober work of surveying our responsibilities, without dismissing them all, taking each other by the hand as fellow-citizens and brethren, and striving together for the faith of our fathers, and the furtherance of the great ends for which they established the government we have been appointed to administer. How shall we best accomplish these ends within the brief space of our annual session? is a question to which you will allow me briefly to invite your attention.

The institution of civil government is designed to become an actively beneficent agency. The restraint of force is far from being its only object. Excepting in governments purely arbitrary, law derives its energy from a force extraneous to itself—the force of a deep and abiding sentiment of veneration for law—a love of order—habitual self-restraint—elevation and purity of moral feeling, and intelligence to guide it wisely in the complicated affairs of human life.

Civil government, then, accomplishes its object, not when it punishes crime, but when it prevents its commission,—not by providing jails

and penitentiaries, but by preventing the necessity of their existence ; by training the people, as far as law can properly interpose its power, to intelligence and the love of virtue. The fathers of our State felt this, when, with characteristic wisdom, they declared in the constitution, that "laws for the encouragement of virtue and the prevention of vice and immorality ought to be constantly kept in force and duly executed ; and a competent number of schools ought to be maintained in each town, for the convenient instruction of youth, and one or more grammar schools be incorporated and properly supported in each county in the State." Thus were the encouragement of virtue, the suppression of vice, and the maintenance of schools, deemed so vital to the welfare of the State, as to demand for them a special provision in its organic law.

So large a portion of my first annual message to the General Assembly was devoted to the subject of education, that I deem it necessary to do little more now than refer you, as I most respectfully do, to that message, for my views in regard to it.

The present has been truly denominated an age of progress. The human mind is vigorously seizing, and carrying out to practical results, the momentous truths which respect the relations of men to each other, and the appropriate means of accomplishing the purposes of human society and government. At the foundation of this vast movement lies the great work of Education—the work of developing and giving a right direction to mental and moral power. And if human government is to be regarded as an institution designed to perfect the purposes of society, and improve the condition of man upon earth, it needs no labored argument to show, that education, thus defined, is among the highest duties of those entrusted with its administration.

Nor should it be forgotten that there are rights correlative to this duty. Every child in the State has a right to be educated—a right as essentially reciprocal to the claim of the State to allegiance, as is the right to protection. The question whether the children of a State shall be educated, is no more a question of mere expediency, than is the question whether the people have a right to protection from foreign aggression and domestic violence. Indeed, protection from the effects of ignorance and vice is, itself, protection, in the highest sense, from all the dangers which can arise within the limits of a State. Would we have obedience to law ? Let the children be learned, in the common school, as well as at the domestic fireside, the duty of self-control, and of reverence for the law of eternal rectitude written in the word of God ; while the development, in just and harmonious proportions, of their whole mind, shall give them, at once, a conscious sense of the worth of mind, and an intelligent conviction of the great purposes it is fitted to accomplish.

All the children in Vermont—especially the children of the poor—stand in the attitude of just claimants, in respect to education, upon the fostering bounty and guardian care of the State. And what has Vermont done to satisfy this claim ? We have, indeed, declared, by law, that "each organized town shall keep and support one or more schools, provided with competent teachers ;" that the towns shall be divided into school districts ; that certain district officers shall be appointed ; that taxes shall be assessed and collected to build school houses and support schools ; and that, to the income arising from these

taxes there shall be added, for the current use of schools, the annually accruing interest of the surplus revenue of the United States, deposited with this State. And here, with the exception of making provision for certain returns of school statistics, we have left the matter. If school houses are built, we have taken no care whatever for their proper location or construction; and if teachers are employed, we have done nothing in regard to the all-important matter of their qualifications, aside from the barren enactment that they shall be "competent." What shall constitute competency, or who shall judge of it, are matters entirely overlooked in our legislation. The result is, an admitted and lamentable deficiency in the qualifications of teachers; great and manifest defects in the modes of instruction, and confusion and want of uniformity in regard to the books used for that purpose; while a large proportion of our school houses are located in highways, with little regard to comfort or fitness in their internal structure, and as little to taste and beauty, and convenience, in the grounds connected with them; if, indeed, any grounds but those of highways are thus connected. And yet, what an amount of money is annually expended for the use of schools. To say nothing of the amount expended in the construction of school houses—of which we have no means of forming an estimate—let us look at the expenditure for teaching.

From the statistics returned to me last year, from 159 of the 240 towns in the State, I drew the conclusion in my report to the General Assembly, that there was paid to teachers in the whole State, exclusive of teachers of select schools—from which there were no returns—the sum of \$ 128,000 annually. No one can soberly consider this subject, without feeling painfully impressed with a conviction of the utter waste of a very great portion of this large sum. It is not extravagant to say, that its power for good might have been doubled, and more than doubled, if it had been expended under a system of supervision which should have carried into the schools, teachers fully competent, and modes of instruction founded upon the true philosophy of mind, and a practical acquaintance with the means best adapted to its true and proper education. We do not so much need, at the present moment, additional pecuniary means, as we do a system adapted to give greater efficacy to those already possessed,—a system which shall give a right direction to effort, and make it effectual to the proper education of the children of the State. The whole, so far as the aid of legislation may be properly invoked, is comprehended in the pregnant words—*Supervision—Responsibility*. We have now nothing that deserves the name of either. We have provided, indeed, for the organization of districts, and the employment of teachers by their prudential committees, who are authorized and required to "adopt measures for the inspection, examination, and regulation of the schools, and the improvement of the scholars in learning." But experience has shown, abundantly, that all this is unavailing to the purpose of securing a proper examination, or indeed any examination, of teachers, or a proper supervision of the schools, or to awaken that interest in their improvement, among parents and throughout the community, which is as indispensable to their vigorous health and prosperity, as a pure and bracing atmosphere is to the support of human life.

We want a system of supervision which shall make the power of beneficent legislation felt, through competent and discreet agencies, in eve-

ry district, and by every child, in the State. Shall we have it? That is the question; and it precesses upon us more urgently than any other question within the range of our legislative duties. We cannot avoid its consideration. The States around us are moving onward in the work of improvement; and so urgent have been considered the claims of common schools upon legislative patronage,—so manifest the defects of old systems of supervision and instruction, and so common and universal the benefits to be derived from improvements in both, that party spirit has stood silent in presence of this great question, and all classes and all parties have made common cause in the noble work of educational improvement.

The expense of carrying into effect a system of adequate supervision need not be great, while its benefits will be inappreciable. Dollars and cents cannot measure their value. We readily make investments in railroads, and other improvements, which promise a return of pecuniary profit; but what are such investments, in comparison with those which, in the process of educating a community to virtue and intelligence, infuse into it the great and indispensable elements of solid and enduring prosperity.

I command this whole subject to your earnest consideration, under a full persuasion that an awakened and greatly advanced public sentiment will respond a hearty approval to your favorable action on it.

I cannot leave the subject of common schools without devoting a few moments attention to what is familiarly denominated "the School Fund." The foundation of this fund was laid in 1825, when the General Assembly passed an act sequestering and granting to the respective towns in the State, for the benefit of common schools, the amount of the avails, accrued, and thereafter to accrue, to the State, from the Vermont State Bank, and also the amount of the State funds accruing from the six per cent. on the nett profits of the banks, received and to be received, and the amount received and to be received from licenses to pedlars. It was provided that said funds, with the annually accruing interest, should be "invested in approved bank stocks, or other productive securities," and should not be appropriated to the use of schools, until the amount should increase to a sum, whose annual interest should be adequate to defray the expenses of keeping a good free common school, in each district in the State, for the period of two months.

The State Treasurer was constituted a commissioner for the management of the fund; who thereupon proceeded to invest the same, by loans, for the purpose contemplated in the act.

By an act passed in the year 1833, further loans from the fund were prohibited, and the Treasurer was directed to deposit the same in the treasury, as it should be received, and to keep an account thereof, and annually charge the State with the interest on the money thus deposited—which, it was declared, "shall be considered as borrowed from the fund;" and the Treasurer was "authorized and directed to pay out said money on any appropriations authorized by law."

Under the operation of this act, and principally in connection with the expenditure of \$117,000 for the erection of the State House, the State, from time to time, has become indebted to this fund, until the indebtedness now amounts, including the accumulations of interest, to

the sum of \$ 224,309 50, while there is due to it from individuals, the sum of \$ 10,590 94; making an aggregate of \$ 234,900 44.

The expediency of continuing this fund has long been questioned. Upon full consideration, I deem it my duty to bring the subject to your notice, and to submit the question, whether any present or prospective interest of the people requires that it be continued.

The first question to be considered is, when will the fund become available for the use of schools; that is, when will the annually accruing interest be "adequate to defray the expenses of keeping a good free common school, in each district in the State, for the period of two months."

The number of school districts in the 240 towns in the State—taking the returns of last year from 159 towns, which gave 1809 districts, as the basis of calculation—may be estimated at 2730. If it be assumed, for the purpose of the calculation, that, by the time the fund will become available, the number of the districts will have increased ten per cent. on the present number—which may be regarded as not an improbable increase within thirty-three years—we shall have 3000 districts to be provided, from the avails of the fund, with a good school two months in each year. Estimating the expense of keeping such school two months, in the then advanced stage of educational improvement, at \$ 40, there would be required the sum of \$ 120,000, as the accruing interest of the fund, to render it available; which is the interest, at six per cent. on \$ 2,000,000.

The question now arises—within what time will the fund probably accumulate to \$ 2,000,000? Its present amount is \$ 234,900 44—the annual interest on which, at six per cent., is \$ 14,094 02. The average annual income from the six per cent. of bank profits, for the last six years, has been \$ 3,869 86; and from pedlar's licenses \$ 1,146 52; amounting to \$ 4,816 38; which may be assumed as the annual addition to the fund, hereafter, from these sources. The avails of the Vermont State Bank have nearly ceased to add anything to the fund, and should not be made the basis of any calculation for the future.

We have, then, the elements of the calculation, namely, the present amount of the fund, the interest thereon for one year, and the probable annual income from the bank tax and pedlar's licenses. The process of accumulation by annually compounding the interest, according to the act constituting the fund, will produce \$ 2,000,387 79 on the first of January, 1878; so that the children who shall be in life in that year, will reap the first fruits of the fund, if it shall be so long continued. This assumes, however, the doubtful position, that six per cent. interest may be realized throughout the entire intervening period of *thirty-two years and three months*, and makes no allowance for losses and the expense of managing the fund.

The great question is now presented—what, in reference to this fund, is our duty to the generation of 1878? Admitting, of course, that it is our duty to labor for the benefit of that generation, the question is—will that generation be really benefitted by a continuance of the fund? If we could send it forward to them, really invested in "approved bank stocks, or other *productive securities*," according to the law of 1825, they might, perhaps, be benefitted; though the expediency of accumulating school funds, so large as to have the effect of relaxing personal efforts, begins to be questioned. But so far as we send them a fund,

consisting of a debt due from the State, we send them a fund entirely unproductive—a fund which, when it reaches them, will consist merely in their indebtedness to themselves. If we would make it otherwise, we must tax the people of this generation to an amount sufficient to extinguish the indebtedness of the State to the fund; and having thus drawn the amount from the pockets of the people, invest it in "productive securities," and, in that condition, send it forward to the generation of 1878. But who is prepared to do this? Who will vote for such a tax? None, it may be confidently affirmed. Nor, it may be affirmed with equal confidence, will our successors be willing to do it, five, ten, twenty, or thirty years hence, when the indebtedness of the State shall, by the compounding of interest, have become greatly increased. Of what benefit, then, will the fund be to them, unless it can, by some fiscal magic, be made spontaneously to yield the interest, and pour it into the treasuries of the towns for the use of schools?

The whole operation, so far as it purposed to benefit the generation of 1878, is a delusion. It is the people borrowing of themselves, and adding the annual interest to debt against themselves, and sending this accumulated indebtedness forward to become the indebtedness of a generation thirty-three years hence, for the purpose of benefiting that generation. The truth is, that, instead of sending them a benefit we shall send them a burden, which, if wise, they will, by abolishing the fund, shake off; namely, the burden, if they would carry the act constituting the fund into effect—of raising the interest on it by direct taxation, to be paid into the State treasury, minus the expense of collection, for the purpose of being sent by the commissioner of the fund back to the people, to be expended for the use of schools. It will not be very unnatural for the tax-payers of that day to enquire, why they should support their schools by such a complicated and expensive process, rather than by the simple and cheaper one of taxing themselves for the purpose, in their respective towns or districts.

If future generations would not be benefitted by this fund, neither will the present. This is self-evident. Why, then, continue it?

In these remarks I am understood, of course, to have spoken of that part of the fund which consists of the indebtedness of the State, amounting at this time, to the sum of \$ 224,309 50. An act to annul this indebtedness, would leave to be disposed of, the sum of \$ 10,590 94, invested in individual securities, bearing interest. None would think of suffering this sum to accumulate, even with the addition of the six per cent. on bank profits, and the income from pedlar's licenses, with a view of making them available for schools, under the act of 1825.

The demand for funds to aid in putting in operation a system of common school improvement, such as the State needs and public sentiment evidently demands, suggests the direction which might be given to a part, or all, of these sources of income, when released from their present connection. It is believed that the annually accruing interest on that portion of the present school fund loaned on private securities, together with the annual income from pedlar's licenses, would be sufficient for that purpose. We may thus institute a system of Supervision and Accountability, which shall give concentration and energy to the present efforts to raise the standard and multiply the facilities of education, until the minds of the mass of our children—the happy mingling of the poor and the rich together—shall feel its equalizing and elevating

power. Thus, while conferring substantial benefits on the present generation, we may send forward an influence, which shall flow on, in a continually widening stream of benefits and blessings, to the generations that shall succeed us to the end of time.

Should it be found that no interest of the present, or of future generations, can be benefited by a continuance of the State indebtedness to the fund of which I have spoken, and the indebtedness should be cancelled, the State debt would then stand as follows:

|                                                          |              |
|----------------------------------------------------------|--------------|
| Due the safety fund banks, including interest to Oct. 1, | \$ 30,389 81 |
| Due the surplus fund,                                    | \$ 14,812 28 |
| Deduct the amount loaned out the past year,              | 11,004 00    |

|                                            |          |
|--------------------------------------------|----------|
|                                            | 3,808 28 |
| Salaries due, Oct. 1,                      | 1,108 33 |
| Due to towns for interest on surplus fund, | 444 36   |

|                                                          |              |
|----------------------------------------------------------|--------------|
| Total,                                                   | \$ 35,750 78 |
| The balance in the Treasury on the 13th of September was | \$ 18,417 97 |
| Balance of taxes due,                                    | 23,232 50    |

|        |              |
|--------|--------------|
| Total, | \$ 41,650 47 |
|--------|--------------|

To what extent the service of the coming year—a portion of which necessarily constitutes a draft on the present balances in the treasury and on taxes—will permit the application of a part of those balances towards the extinguishment of the indebtedness of the State, may be determined, upon the careful examination which ought to be made into every branch of expenditure, with a view to ascertain whether there can be any reduction, consistently with the public interest. In looking at the expenditures of past years, I have been struck with the large amount disbursed under the heads of "Supreme and County Court orders," and "Clerks of Courts for the expenses of Supreme and County Courts," which have risen from \$20,405, in 1839, to \$28,970, in 1845. The amount disbursed under these heads during the last seven years, has been \$184,300, averaging \$26,328 per annum. I would suggest the propriety of an examination into the details of these large items of expenditure—in regard to which it may possibly be found that, in a course of years, abuses have crept in, requiring corrective legislation.

The treasury is happily relieved from a charge which, for many years, hung upon it, in the form of "military orders," which, for the five years previous to and including the year 1843, when they ceased to be a draft on the treasury, amounted to the sum of \$18,501. I am happy to say, that, by a law of last year, the people are relieved from the still more burdensome tax of annual trainings of the enrolled militia.

It may be reasonably hoped that, by a practicable and not injurious reduction of expenditures, particularly in the heavy items to which I have referred, a sum may be saved which, with a fixed appropriation of the income from the bank tax—relieved from its present pledge to the school fund—might, within a moderate period, extinguish the entire indebtedness of the State.

The reference I have made to the items of expenditure in connection with the Supreme and County Courts—a large portion of which results from criminal prosecutions—suggests a topic of much interest, to which I would call your attention.

The great purpose of criminal law is reformation. This purpose lies at the foundation of the Penitentiary system, which combines with imprisonment, hard labor, and a course of moral discipline suited to bring back offenders to the paths of rectitude and virtue. But this system is applicable, under our laws, only to the higher offences, leaving a large class of offenders without the benefit of any such reforming process, and substituting for it, confinement in the county jails—in some cases, with the alternative of the payment into the county or town treasuries, for non-payment of which imprisonment necessarily follows.

Whether confinement in the county jails is inflicted as a punishment, or results from inability to pay fines, it obviously has an effect entirely the reverse of reformation. It is impossible to visit a convict, thus thrown into a county jail, with little or no attention to any except his mere animal wants, without feeling painfully impressed with a conviction, that it is an unnatural and monstrous perversion of the power of punishment. Without employment or exercise, the convict is left to the corroding and maddeasing influence of the reflection that he is an outcast from the charity and sympathy of the world; and that the law and its executioners are alike his enemies. Every moment's continuance of such confinement tends to weaken his purposes of amendment, and prepare him for abandonment to the commission of higher offences. There are cases in which this is not true; but they constitute the exception and not the rule. If the history of all the State Prison convicts were fully disclosed, it would probably be found that a large portion of them have been tenants of county jails, in punishment for inferior offences.

The remedy for this evil is obvious. It is the application of the principle of penitentiary discipline to minor offences, by means of Houses of Correction in each county—to be made comfortable in their structure and accommodations, and to be connected with such arrangements for the profitable employment of the inmates, and the exercise of such firm and steady discipline, as sound wisdom and the spirit of Christian kindness may suggest. By such means may offenders be made useful to the public during the necessary continuance of their confinement, while the higher purpose shall be answered, of impressing upon their minds, by every thing they shall see around them, that they are men-bound to society, not by the law of force merely, but by the higher law of moral obligation, as well as by the sympathies of our common nature.

Such a course of treatment would, doubtless, have a very happy influence upon "vagrants and idle and disorderly persons," for whose restraint and discipline our laws make no provision, save that of the town poor houses, which, by the 21st section of chapter 17 of the Revised Statutes, are constituted Houses of Correction, but which, while they involve the evil of an unnatural mingling of the aged and infirm poor with the restive and troublesome, can seldom be made to accomplish, to any considerable extent, the purposes of correction and reform.

The bearing upon our whole system of criminal justice, of such a process of discipline as may be carried into effect in county houses of correction—especially in the cases of juvenile offenders—is obvious.—Its salutary effects would, in due time, be visible in diminished drafts upon the State Treasury for the expenses of criminal proceedings; in a

diminished number of convicts in the State Prison, and in increasing peace, order and obedience to law, throughout the community.

I have received the ninth annual report of the Trustees and Superintendent of the Vermont Asylum for the Insane, which presents a very gratifying exhibition of the condition and prospects of that institution, under its present excellent and efficient government.

During the past year 294 have been admitted into the Asylum, 99 have been discharged, and 263 remain. Three hundred and sixty-three have enjoyed the benefits of the Asylum within the entire year. Of the 99 discharged, 59 have recovered. Of the 48 "recent cases" discharged, there have been 43 recoveries. In the 51 chronic cases discharged, the recoveries have been but 16. The great importance of obtaining the benefit of the Asylum in the early stages of insanity, is thus rendered apparent.

The annual State appropriation for the benefit of the insane poor was increased, at the last session of the General Assembly, to \$3,000; in consequence of which the number of patients at the Asylum has increased during the past year, so as to render the erection of additional buildings necessary. Additional buildings, to contain about 80 rooms, are partly finished and occupied, and will, it is expected, be completed by the first of November next, when all the buildings will be sufficient for the accommodation of about 300 patients—a number deemed by the Trustees to be as large as is desirable in one asylum.

The report states that such an amount of funds will be received from other sources, as to supersede the necessity of an application to the Legislature for assistance to defray the expense of the additional accommodations.

Since the first of January last, 137 patients have shared in the State appropriation, of whom 19 have been discharged; leaving of these cases, 118 now in the Asylum. The existing State appropriation has paid a little more than three fifths of the expense of those who have been in the Asylum, as State beneficiaries, during the past year; leaving the remainder to be paid by those who sent them there; and it is estimated by the Trustees that the appropriation will be adequate to defray, during the next year, but one-third of the expense of the present number of State beneficiaries. They suggest the desirableness of an increased appropriation, so as to defray nearly one-half the expense of that number. I concur in this suggestion. An increased appropriation would probably have the effect of inducing towns to place, and keep, at the Asylum, insane poor persons who might otherwise be deprived of its benefits. There is a class of cases in which entire recovery might be effected by a continuance beyond the limit of the present State appropriation, when a restriction to that limit might render the appropriation, as to them, of little value. It is very desirable that the insane poor should not, through insufficient inducement to towns to continue them at the Asylum, be returned uncured to the miserable condition which, through the humanity of our legislation, they may have been permitted to exchange for the substantial comforts and the improving influence of that institution.

The establishment of the Asylum, with its excellent system of treatment, while it has had the effect of disclosing the terrible secrets of insanity, has gladdened the hearts of the benevolent with a reasonable hope of giving effectual relief to a large portion of the insane, and of

ministering greatly to the comfort of those who have by long neglect become incurable. No object, proper for legislative aid, makes a stronger appeal to our liberality than this.

Upon entering on the duties of Commissioner of the Deaf and Dumb, I directed inquiries to the Superintendent of the American Asylum at Hartford, Connecticut, for the purpose of obtaining information, in sundry particulars, in regard to the past connection of that institution with the education of deaf and dumb persons, at the expense of this State, and received, in reply, a statement specifying, agreeably to my request, the names and residence of persons, supported, in whole or in part, by this State—the times of their admission and discharge, the period of their instruction at the public expense, and the amount paid for each by the State. I transmit the statement herewith, to the House of Representatives, for the use of the General Assembly. It appears that from the year 1817, but principally since the year 1825, 113 have been educated, in whole or in part, by this State, at an expense, up to the 1st of May last, of the sum of \$38,118 25.

I have made orders for the admission into the Asylum of 8. The whole number now in the Asylum, at the public charge, is 20. Of the appropriation for this object, there has been expended during the past year the sum of \$1,960 91.

The Asylum is under a very competent and intelligent Superintendency, and is evidently deserving the continued patronage of the State.

In execution of my duty as Commissioner of the Blind, I have made orders for the admission of two blind persons into the New England Institution for the Blind, at Boston. The expenditure for the support of the blind during the past year, has been \$1,120.

In execution of the law of the last session providing for a Geological Survey of the State, I appointed Prof. Charles B. Adams, of Middlebury, Principal Geologist. Mr. Adams entered on the duties of the appointment in March last; since which time he has been laboriously engaged, with the aid of well qualified assistants, in prosecuting a Geological and Mineralogical survey of the State. The law having made it the duty of the Geologist to report annually to the Governor the progress of the work, he has made to me his first annual report, which I shall hereafter communicate to both branches of the General Assembly.

The labors of the first year of the survey have been mainly and appropriately directed to a general reconnaissance of the State, for the purpose of determining its general geological features, including the limits of the several rock formations, preparatory to more minute investigations in subsequent years. How well this part of the survey has been performed, will appear in the report of the Geologist when submitted to you.—From a hasty examination of it, I have been led to believe that it will be found, by those competent to judge, to furnish evidence that the prosecution of the work thus far has well fulfilled the purpose for which the survey was instituted. The report will be found, I think, to contain more valuable information than is usually embodied in preliminary reports, especially in the department of economical geology, upon which, on account of its great practical importance, I have directed the Geologist to bestow special attention throughout the entire survey.

The report contains a statement of the expenses of the survey, brought down to the 15th of September, amounting to the sum of \$1,336 22, and an estimate for the balance of the geological year ending on the

first of March next, being \$663—amounting for the entire year to the sum of \$1,999 23. It will be seen that this sum falls within the limit of the annual appropriation for the survey.

In the performance of the difficult and responsible duty of appointing a State Geologist, I have experienced no little embarrassment from the limited amount of the annual appropriation of \$2,000—an amount considerably below that of similar appropriations in other States, and much below the sum previously estimated as necessary for the survey of this State,—an amount, however, which I have felt bound to make the immovable limit of all my calculations for the prosecution of the work. I have, therefore, been compelled to restrict the Geologist and his assistants to compensations below those usually allowed for such services,—in regard to which, however, I deem it fortunate that I have been able to secure, for compensations so inadequate, services so efficient and valuable. I am inclined to think that justice to those engaged in the survey, as well as to the survey itself, demands some addition to the appropriation for the service of the remaining two years.

The Geologist will hereafter report to me, as the law makes it his duty to do, an estimate for the expenses of the next year, which I will transmit for the consideration of the General Assembly.

The law authorizing the survey, makes no provision for preserving suites of specimens for any purpose. The preservation of a suite to form a State cabinet being, however, obviously indispensable, I have given orders to the Geologist to that effect. I have received formal applications for suites of specimens, from Middlebury College, from the Medical Colleges at Woodstock and Castleton, and from the Troy Conference Academy at Poultney. The obvious importance of having collections of specimens illustrating the geology and mineralogy of the State, to form cabinets in these institutions, as well as in the Vermont and Norwich Universities, has induced me, though without authority of law, to direct the Geologist to make his collection sufficiently large to enable him to furnish complete sets to all these institutions,—in regard to which I confidently anticipate the sanction of the General Assembly, in the small additional appropriation which may be necessary to meet the additional expense.

I am happy to say that a deep and general interest has been manifested by the people, in the survey as it has progressed, which, it is hoped, may be regarded as an earnest of what is to be expected through its entire course. The science of geology, though possessing high practical interest, is but little understood by the mass of the people. I regard it, therefore, as not among the least important benefits of the survey which the liberality of the General Assembly has authorized, that it will awaken among all classes a more general interest in the science, and have the effect of directing the active minds of our people—especially the young of both sexes—to its study—a study so well adapted to discipline, expand and elevate the mind, while it goes forth to investigate and admire the useful and mysterious, the beautiful and sublime of the Creator's works.

By a resolution of the General Assembly, passed at the last session, it was made the duty of the Governor to request the delivery by the General Government, of "the four brass cannon, taken by the Green Mountain Boys, from the British at Bennington, on the 16th of August, 1777," and to cause the same when received, to be deposited in the State House. In obedience to the requirement of this resolution, I ad-

dressed the Secretary of War on the 21st of January last, requesting the delivery of the cannon. To this I received a reply, dated the 20th of February, saying that, "should the guns referred to be found in the possession of the ordnance corps, they are among the other trophies of the war of the revolution, and are held as public property of the United States;" and suggesting an application to Congress for an order for their delivery.

In reply to a subsequent communication from me, asking that an inquiry might be made for the purpose of ascertaining the number of the cannon taken at Bennington, then in the possession of the United States, and their location, I received a letter from the Secretary of War, covering a report from the Ordnance Department, by which it appeared that there were, at the United States arsenal at Washington, two brass guns, reported as three pounders, and marked "taken from the Germans at Bennington, August 16, 1777," and that "no other trophies captured on that occasion are known to be in the possession of the government." Copies of this correspondence, numbered from 1 to 5 inclusive, are herewith communicated to each branch of the General Assembly.

An application to Congress being thus rendered necessary, I recommend such further action as shall be deemed appropriate to effect the application, and render it available.

The necessity of more effectual provision for preventing the evils resulting from the practice of taking unlawful interest, induces me again to invite to it the attention of the General Assembly.

Our laws have long prohibited the taking of interest above the rate of six per centum per annum. All the reasons which have induced the enactment and continuance of the prohibition, obviously urge its enforcement. Indeed it is urged by the additional consideration that habitual impunity to the violation of any law, tends to weaken the force of all law.

If the law is to remain on the statute book, it should not be left without adequate provision for its enforcement. No such provision now exists. The only remedy is by an action for money had and received, or goods sold and delivered, for the recovery of the interest received unlawfully, to be sustained by common law evidence of its payment—a process which experience has abundantly shown, can very rarely be made available. To leave the enforcement of so important a right to the chance discovery of testimony to a transaction, which, from its very nature, is guarded with the profoundest secrecy, is but a mockery of justice.

I submit whether some provision should not be made, which shall give a remedy, better suited to the nature of the case—a remedy which shall find its means of enforcement in an appeal, in some form, to the conscience of the receiver of unlawful interest.

Our connection with the Federal Union, whose power reaches, and deeply affects, our interests, makes it our right and our duty, frequently to review its legislation, and subject its policy, present and prospective, to examination. This duty has never been more imperative than at the present moment, not only on account of the great importance of the questions in issue before the country, but from a consideration of the obvious and increasing tendency to a course of Federal administration wholly partisan in its character, and so bent on securing sectional ascendancy, or ministering to purposes of political ambition, as to lose sight, too often, of the just limits of constitutional power.

Since the last session of the General Assembly an important step has been taken towards the annexation of a foreign government to our Confederacy. This has been done by the adoption of a joint resolution by Congress, declaring its consent that "the territory properly included in, and rightfully belonging to the republic of Texas, may be erected into a new State, in order that the same may be admitted as one of the States of this Union." This consent is declared to be given upon the condition that the constitution to be formed by the people of Texas, shall be transmitted to the President of the United States "to be laid before Congress for its final action, on or before the first of January next," and with a provision, among others, that "new States of convenient size, and having sufficient population, may, by the consent of said State, be formed out of the territory thereof, and entitled to admission under the provisions of the Federal Constitution."

To this resolution there was added another, to the effect that if the President should deem it most advisable, instead of submitting the foregoing resolution to the Republic of Texas, as an overture for admission, to negotiate with that Republic, then that the admission might be effected, either by treaty, to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President might direct.

Upon the passage of these resolutions, the President proceeded to act upon the first, and forthwith submitted it to Texas, as an overture for its admission. Upon the receipt of the overture, a convention was called, which has formed a constitution which has been submitted to the people of Texas for their action on the 13th of the present month. It will probably be ratified, and submitted to the Congress of the United States at its next session for their approval, which is an indispensable prerequisite to admission into the Union.

The question of annexation being thus an open question, the States may, with a view to its final decision, as well as in reference to their duty, upon a possible consummation of the measure, properly subject it to the ordeal of severe scrutiny. I deem, therefore, no apology necessary for inviting to it your particular attention, nor for the expression of my conviction that Vermont should firmly resist every advance towards the consummation of a measure so utterly subversive of her rights as a member of the existing Confederacy.

This meditated invasion of our rights is not to be regarded, or treated, as an ordinary violation of the Constitution, for which there may be a constitutional remedy in the interposition of the judicial power.—No judicial power can effectually reach the case. Let the deed be done—the foreign State admitted, and its Senators and Representatives be actually in Congress, and, practically, a decision of the Supreme Court would be powerless. The truth is, the measure is essentially revolutionary. It is a fraud upon the Constitution, and utterly subversive of it—changing essentially our domestic Federal relations, and creating a new union, of which neither the present Constitution, nor mutual confidence will constitute the bond; a union whose only bond will be, the apprehended evils of actual separation, since it is impossible that confidence or affection can exist where there is an abiding sense of flagrant injustice and usurpation.

Much has been said in regard to the "compromises of the Constitution" in favor of Slavery: and so sensitive are the South on this subject—so tenacious of the concessions wrung from the North, as the price

of the Union, that the bare proposal by the legislature of Massachusetts, to amend the Constitution by abolishing the slave representation in Congress, has been denounced as little less than treason to the Union. But this very compromise carries with it an irresistible argument against the measure of annexation. A slight consideration of the subject will render it apparent, that the compromise securing a slave representation, must have had reference to a union within the then limits of the United States, because it concerned a sectional interest, the adjustment of which in the compromise, must necessarily have had respect to definite territorial limits—otherwise the balance might be destroyed, and the compromise practically nullified, by the addition of foreign slave States, giving to the slave interest an unlooked for and permanent preponderance in the Union.

And such nullification will be the effect of consummating the measure of annexation. The compromises touching the question, of slavery will be at an end—as clearly so, as would be one of two dependent and reciprocal obligations between individuals, where the other had been violated.

The truth is, that, at the time of securing the great and fatal concession of the slave representation—by whose votes in Congress almost every question affecting the relative interests of the slave and non-slaveholding States, including the question of annexation, has been decided—no thought was any where entertained, of extending the bounds of slavery beyond the then limits of the United States. It was, on the contrary, the universal expectation that slavery would decline, and at no distant period, cease to mar our Federal Union. It was in the spirit of this anticipation that it was declared, in the articles of compact embodied in the celebrated Ordinance of Congress of '87 for the government of the Territory North West of the River Ohio—which passed with but one dissenting vote—that “there shall be neither slavery nor involuntary servitude therein, otherwise than in the punishment of crimes.” And what still more strikingly evinces the spirit of those times, and the true bearing of that ordinance in respect to slavery, the preamble to the articles of compact declared, that they were ordained “for extending the fundamental principles of civil and religious liberty which form the basis whereon these republics, their laws and constitutions, are erected.”

If it had been asserted in the Convention that formed the Constitution, that under the clause declaring that “new States may be admitted by the Congress into this Union,” foreign slave States might and would come in, it is very manifest that the clause would not have been adopted without an express negation of such a construction—much more, that a provision for the representation of three-fifths of the slave population would not have been permitted a place in the Constitution.—The fact that such a provision was made is therefore conclusive evidence that the admission into the Union of foreign slave States under the Constitution, entered into no one’s conceptions, and would have been expressly guarded against if suggested from any quarter.

It follows that every assertion by the South of the sacredness of the slave representation compromise, is an argument out of its own mouth, that the introduction of foreign slave States into the Union is, itself, a violation of the compromises of the Constitution.—And it furthermore follows, that such introduction of foreign slave States, in effect discharges

the North from its obligation to a continuance of the slave representation — a representation sufficiently onerous when confined to the *Constitutional* Union, but intolerable when extended to a *new* Union, formed by the introduction of foreign slave States, for the purpose of perpetuating the dominion of the slave power. Let the South either relinquish the unrighteous advantage of the slave representation, or cease to press for the admission of foreign slave States. To claim both is an aggravation of injustice, equalled only by that of the system for whose support and continuance it is perpetrated.

Equally unjust and absurd is it to claim an execution of the constitutional stipulation for the surrender of fugitives from oppression, and for protection against domestic violence, while the right is claimed and exercised to augment and perpetuate, indefinitely, the burden of these obligations, by the annexation of foreign slave States to the Union.

Slavery, moreover, is an element of weakness, inviting invasion, which the Constitution binds the nation to repel, in whatever quarter it may threaten. How long and to what extent this obligation is to be binding, may hereafter become a question. The advocates of annexation would do well now to consider it; as they would also the question, to what extent there shall be maintained, at an enormous expense, a navy to prevent the coastwise slave trade, destined to acquire unwanted activity under annexation policy.

To these motives for resisting the consummation of the threatened measure, must be added its injustice to Mexico, and the disgrace of perpetrating it, because she is unable to resist. And to render this injustice the more flagrant, and the grasping spirit in which the whole annexation movement originated and has been conducted, the more manifest, it would now seem, that the Executive is pushing a claim to territory as a part of Texas clearly beyond any limits ever assigned to the department of that name, and not even in possession of the government to whom the overture for annexation has been made.

The impotence of Mexico may be to us an effectual protection. We are probably safe from the injury her sense of wrong may prompt her to inflict. But who shall protect us from the just judgement of an impartial world, or blot the stain of injustice from the pages of our country's history?

In reference to the position sometimes taken, that the action already had upon the subject of annexation precludes us from further opposition to the measure, it is sufficient to say, that no right can be precluded by any action, of the character of that legislation under which the overture to Texas has been made. It is an attempt to annex by joint resolution of Congress — the unconstitutionality of which was so apparent that it became necessary to connect with it an alternative resolution providing for annexation by treaty. It was by the union of such an alternative, that conscientious scruples as to annexation by joint resolution were quieted, though the alternative left it in the power of the President to give effect, as he has done, to the joint resolution itself, and thus do the very thing which those scruples would not allow could be done.

We have, thus, a double violation of the Constitution; to which must be added, the fact that the President elect made his appearance at the scene of action and turned the trembling scale, by throwing into it the weight of his incoming official patronage.

Shall such an act, carried by such means, have the effect in this free country, of concluding and silencing opposition to an unconsummated measure? Let the spirit of free, intelligent and unsubdued Vermont answer.

And where will Vermont soon be, if the policy of foreign annexation is to prevail, and become the settled policy of the country? She will be in the condition of an appendage of a vast slave empire, embracing, not Texas only, but California, and finally every part of Mexico—all of which will be overrun by slave-holders, who will, in due time, declare independence, and claim and obtain admission into the Union.

But annexation may be consummated! Slavery may triumph. It may secure a majority in the Senate of the United States. It may annul the compromises of the constitution, and destroy the bond that holds these States together. What, then, shall Vermont do? What it will be her right to do, admits of no question. If, from a regard to peace, she shall forbear to exercise her right, it should be with a solemn declaration to the Union and the world, that she thereby acknowledges no right of annexation, and forbears from no diminished conviction that it will subvert the Constitution, and essentially destroy the Union of which it is the bond; and that she reserves the right of such future action as circumstances may suggest.

But, in the event of annexation, there will remain a great practical duty for us to perform. It will be, to go to the very verge of our constitutional power to effect the abolition of slavery, as "the chief evil in our country, and the great crime of our age." Slavery will, by annexation, have been taken under the special protection of the national government, and made in the highest sense, a national institution; and, thenceforth will become a leading and controlling element in the Union. It will then be seen in a stronger and clearer light than it has ever been. The success of annexation will have signally illustrated its character; and the time is not distant, when it will be able no longer to adjust its influence in the scale of parties, so as to maintain its ascendancy by Northern co-operation; for the North will have learned the indispensable necessity of union, in order to roll back the tide of its usurpations, and so change the policy of the government that it shall cease to make the support of slavery an object of special and paramount regard. If the North, for the sake of peace, shall submit to annexation, the South must submit to the legitimate and inevitable consequences of thus forcing, everywhere, an investigation of the merits of slavery, and a thorough exposure of the impossibility of long maintaining a Union, embracing the hostile and irreconcilable elements of slavery and freedom.

I have received from the Executives of several of the States, resolutions of their respective legislatures, touching the subject of annexation, which I shall hereafter communicate for the consideration of the General Assembly.

Among the papers received from the Executives of other States is the solemn Declaration and Protest of the Commonwealth of Massachusetts, against the laws of South Carolina, under which, colored citizens of Massachusetts are arrested on board her ships in the harbors of South Carolina, imprisoned in the jails of that State, and sold into perpetual slavery, in default of their commanders to give bonds to redeem them and to pay the expense of their detention—all which Massachusetts asserts is in violation of that clause of the Constitution of the United

States, which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

To protect her citizens from the execution of these laws, Massachusetts commissioned one of her most distinguished citizens to proceed to South Carolina, for the purpose of instituting such process as should bring the question of the constitutionality of these proceedings before the Supreme Court of the United States. It is a matter of history, that the agent, on appearing in South Carolina, for the purpose of executing a commission, thus looking to a peaceful and orderly appeal to the appropriate judicial tribunal, was driven away by threats of personal violence of a mob; and that subsequently, the legislature sanctioned the act of the mob by making an order "to expel" the agent from the State. Against this, also, Massachusetts protests.

I have received from the Governor of South Carolina, the proceedings referred to, of the legislature of that State. I have also received from the Governors of the States of Arkansas and Alabama, resolutions of the legislatures of those States, approving the outrage committed on the agent of Massachusetts; and from the Governor of Connecticut, resolutions of the legislature of that State, declaring that the act of South Carolina is "a palpable and dangerous violation of the national compact." I shall hereafter transmit these papers with others on various subjects, received from the Executives of other States, for the use of the General Assembly.

I have made this special reference to the proceedings of South Carolina, for the purpose of bringing them into immediate connection with the kindred subject to which I have, at some length, invited your attention, and of submitting to you the propriety and duty of a full consideration of these extraordinary proceedings, and an expression of the sense entertained by the General Assembly of this State, of their true character and tendency. It would seem evident that the Union cannot be maintained, if peaceable attempts to appeal to the appropriate judicial tribunal for the settlement of great constitutional questions, involving the relative rights of the States, are to be put down by mob violence, and the added sanction of legislative authority.

It is worthy of remark, that, upon an attempt by South Carolina to enforce the same laws against colored British subjects, and the remonstrance of the British government to that of the United States, South Carolina desisted; and yet she rigorously enforces them against one of her sister States, and adds the extreme aggravation of rudely expelling from her territory an agent of that State, rather than allow him a residence long enough to perfect the process of submitting the question of difference to the decision of the constitutional tribunal.

Several of the slave States, it is understood, have laws on this subject, similar to those of South Carolina. Their enforcement in Louisiana induced the Legislature of Massachusetts to send an agent to that State for the purpose of instituting a similar process, who was also driven from the State by threats of mob violence.

If slavery cannot exist without the protection which such an exemption from constitutional law will give it, then it is evident that slavery and the constitution are at irreconcilable variance.—Massachusetts has forborne to retaliate, and contented herself, for the present, with a solemn protest and appeal to the world and in partial posterity, against these acts. But it is unreasonable to suppose that there will be no limit

to forbearance ; or that the Union can always withstand the power of such attempts to rend it asunder.

The question of protection to labor, in its otherwise ruinous competition with the starved and cheapened labor of other countries, continues to be one of undiminished interest. Indeed its interest has increased, as efforts to give ascendancy to free trade principles have become more active and systematic. Of the existence of such activity and system, we have but too conclusive evidence, in all the indications, official and semi-official, of the new administration. It is given out, in ways not to be misunderstood, that the head of the financial department is industriously engaged in maturing a plan for reducing the tariff to the "revenue standard." What that standard is, in the opinion of the school of political economists to which the Secretary belongs, may be gathered from a very elaborate report of the Committee of Ways and Means of the House of Representatives, at the first session of the 28th Congress, in which it was declared, that—

"Every duty is to be considered and is properly denominated a revenue duty, the rate of which yields the largest amount of revenue from the importations of the article upon which it is imposed ; and every duty is to be considered and is properly denominated a protective duty, the rate of which is so high as to diminish the amount of revenue derived from the importations of the article upon which it is imposed, and the rates of which require to be reduced, to increase the revenue. And when a given amount of revenue is desired to be raised upon any given article of importation, the committee regard the lowest rate of duty which will effect the result, as the true and legitimate revenue duty." The committee add—"The protection afforded, under a revenue tariff thus defined, they would denominate incidental. The protection afforded by a protective tariff, according to the same definition, is direct and positive—operates to diminish or destroy the revenue, and constitutes an exercise of the power to lay and collect duties, entirely indefensible in principle and policy."

It thus appears that "direct and positive protection"—that is, protection which has the effect to diminish revenue from any given article, is entirely indefensible in principle and policy—the only allowable protection being that which is "incidental" to a revenue duty—that is, incidental to that duty which, without any reference to protection, will yield "the largest amount of revenue from the importations of the article upon which it is imposed."

The mere statement of this doctrine is sufficient to show that it strikes a fatal blow at the principle of protection, because that rate of duty can, obviously, furnish no stable protection, which is made to depend, not on the degree of protection it will furnish, but on the amount of revenue it will yield—since it is well known that a rate of duty on a given article, which will yield little or no protection, may be the very rate which will yield the most revenue. There is not a protected interest in the country that can stand a single year, under the application of such a principle as this.

The true principle may be thus stated :—A tariff which, while it shall, in the aggregate of its duties, yield the amount, and no more than the amount, needed for the treasury, shall be so adjusted, in its details, as to throw so much of that aggregate upon articles needing protection, as to give the protection needed—the balance being thrown upon articles needing little or no protection.

certain questions propounded to manufacturers and others, to be answered without oath or cross-examination—information, to enable him to carry his destructive purpose into execution.

Vermont has too deep an interest in the great question thus about to be forced to a fearful and perilous issue, to remain indifferent or silent. It is due to the great value of our interests involved in the true principle of protection, that we thoroughly scrutinize the false principle on which, by a combination of its pretended friends with its open enemies, protection is to be made to rest. The imminency of the impending danger would seem to call for a decided expression of the General Assembly on this subject.

I have received from the Corresponding Secretary of the American Peace Society a communication on the subject of Peace, with a request that I would lay it before the General Assembly. In compliance, I send herewith copies of the communication for your consideration. This request appears to be part of a general movement of that Society to impress upon the rulers of States and Nations the duty of reconsidering the question of war, as it stands connected with the temporal and spiritual interests of men, and to inculcate the importance and practicability of superseding its supposed necessity, by the principle of Arbitration, applied to nations as it now is to individuals.

It would seem necessary to do little more than to announce this object, to secure for it the favorable consideration of the rulers of every Christian people. War is the greatest of all the calamities that ever afflicted the human race; and yet the world, after having been involved in its crimes and felt the terrific sweep of its desolations, for near sixty centuries, seems but just awaking from the delusion that it is necessary, and consistent with the spirit and principles of a religion whose all-pervading element is love.

Our own country, more, perhaps, than almost any other, needs this awakening influence. The freedom happily enjoyed by our people, seems to engender the restless spirit favorable to war, while it receives additional impulse from the popular appeals incident to our system of free suffrage,—appeals made, often, by men who love distinction and excitement more than their country, while their appeals act on minds in no condition, from the association of numbers and other causes, to feel their true individual responsibility for the crimes and consequences of war.

The maxim—"In peace prepare for war," is moreover a standing exhortation to war,—performing the double office of provoking aggression, and prompting inconsiderate and rash resistance to it. The state of society in the Southern and South Western portions of our Union is an illustration in private life, of the practical results of this maxim—so apparently just, and yet so really questionable.

There is, however, a preparation for war, which does not invite it. It is the preparation of simple, open-hearted, uniform fairness and justice,—the exhibition of a stronger solicitude to do right, than to exact it from others; and a sensibility, which habitually feels that the stain of dishonor is inflicted not by suffering wrong, but by doing it. The nation who shall cultivate this spirit—who shall fairly gain the reputation of *The Just*, will possess a defence, in an age ruled, as this is beginning to be, by enlightened public sentiment, more sure and effective than the power of fortifications, and armies, and navies, combined, can give.

But while the spirit of peace and a scrupulous regard to justice, will, by their silent influence, check, if they do not entirely subdue, the spirit of aggression, they will not, necessarily, prevent the occurrence of international differences, nor, in the present, if in any future state of the world, supersede the necessity of some formal provision for their adjustment. This necessity suggests a resort to the principle of Arbitration, and the introduction into treaties between nations, of stipulations to that effect.

It is to the furtherance of this object, by acting on the public sentiment of our own country and the world, that the American Peace Society solicits the action of the General Assembly of this State; and I could hardly be invited to the performance of a more grateful duty than to become the medium of asking your attention to it, and recommending, as I do, such action as may, in your wisdom, most effectually lend the influence of this State in furtherance of this great movement of peace on earth and good will towards men. The government of the United States has already, in three memorable instances, submitted matters of difference with other nations to the arbitrament of friendly powers—in two of them, with results which have been effectual to the settlement of the differences submitted.

I must be permitted to add an expression of the sense I entertain of the great value of the efforts of the friends of peace, through the organization of peace societies, in dispelling the delusion so long prevalent in regard to war,—exposing the anti-Christian principles on which it has so long rested, and showing the extent to which it has paralyzed the industry, wasted the wealth, corrupted the morals, brutalized the passions, blasted the hopes, and vitally injured the highest interests of men. The results, thus far, of the quiet and persevering efforts of these associations, has furnished a most gratifying illustration of the silent power of truth, in the hands of Christian benevolence, to reform and save the world.

It only remains for me to tender to the General Assembly my hearty cooperation in every wise and well directed effort to promote the public good—trusting that we shall all feel how much we need the wisdom that comes from above, to enable us to comprehend the true character of that good, and direct us to the adoption of measures best adapted to ensure its successful accomplishment.

WILLIAM SLADE.

EXECUTIVE CHAMBER, }  
October 11, 1845. }

On motion of Mr. Hodges, it was

*Ordered*, That the Message of the Governor just read, be laid on the table, and that the Secretary procure to be printed 300 copies for the use of the Senate.

The hour designated for a Joint Assembly of the two Houses having arrived, the Senate repaired to the hall of the House of Representatives.

And, having returned therefrom,

On motion of Mr. Billings,  
The Senate adjourned.

## AFTERNOON.

Mr. J. Barrett presented the petition of Rollin Richmond, of Barnard, and 46 others, praying for legislative action in promotion of the improvement of Common School education.

Mr. Chittenden presented a like petition from Oliver H. Bascom of Orwell, and 25 others.

And these petitions were respectively referred to the Committee on Education.

Mr. Billings from the Joint Committee appointed to prepare and report Joint Rules of the two Houses, reported the Joint Rules of the last session, and recommended their adoption.

And the question being taken, the Joint Rules thus reported were adopted, on the part of the Senate, as the Joint Rules of the two Houses for the present session; and are as follows:

1. A joint assembly shall be formed by a union of the Senate and House of Representatives in the hall of the latter, for the purpose of electing certain State and County officers, and Judges of Probate, in which the Secretary of State, or in his absence the Secretary of the Senate, shall officiate as Clerk. It shall be formed only at such time, and for such specific purpose, as may be expressed in a concurrent resolution of both houses; and may adjourn from time to time during the sitting of the General Assembly.

2. The proceedings of every joint assembly, including the resolutions ordering the same, shall be recorded by the Clerk in a book kept for that purpose, which shall be preserved in the office of the Secretary of State, a copy of which shall be furnished to the Governor by the Secretary of State.

3. Previous to the meeting of any joint assembly for the election of county officers and Judges of Probate, the members of the Senate and House of Representatives, from the several counties, shall meet in conventions, and make a nomination of all the officers to be elected in their respective counties, and the members of the Senate and House of Representatives residing in the several Probate districts, shall meet in convention and make nomination of the Judges of Probate for their respective districts, and present the same for the consideration of the joint assembly; and no nomination of any county officers or Judges of Probate shall be finally acted on by the joint assembly, until the same shall have been submitted to the aforesaid conventions.

4. The rules of the Senate, so far as applicable, shall be observed in regulating the proceedings of every joint assembly.

5. A joint committee of three Senators and three Representatives shall be appointed by the presiding officers of the two houses respectively, to whom may be referred all documents transmitted by the Governor for the use of the General Assembly, who shall report thereon to that House from which they were received.

6. The committees of the Senate and House of Representatives, to whom the same subject matter shall have been referred, may, for the

purpose of facilitating business, meet together as a joint committee, and make a joint or separate report to either or both houses, as they may think expedient.

7. In every case of disagreement between the Senate and House of Representatives, if either shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee on its part, such committees shall meet, at a convenient hour, to be agreed upon by their chairmen, in the conference room, and state to each other, verbally or in writing, the reasons of each house for its vote on the subject matter of disagreement, confer freely thereon, and make report of their doings to their respective houses as soon as may be.

8. Committees of conference shall consist of an equal number from each house, and shall return the papers referred to them to that house which last voted upon the subject matter of disagreement.

9. When bills are on their passage between the two houses, they shall be under the signature of the Secretary or Clerk of each house respectively.

10. After bills have passed both houses, and a certificate showing the one in which they respectively originated has been duly endorsed thereon, they shall be delivered to a joint standing committee of two Senators and two members of the House of Representatives, to be designated the Committee on Bills, who shall make careful examination, and see that they are correctly engrossed, and when satisfied of their accuracy, shall present them, first to the Speaker of the House of Representatives, and then to the President of the Senate, for their official signatures, and having obtained them, they shall forthwith deliver them to the Governor for his approval, and shall make true report to both houses of the day on which such bill was delivered to the Governor, which shall be duly entered upon the journal of each house.

11. When a bill or resolution, which shall have passed one house, is rejected in the other, notice thereof shall be given to the house in which the same shall have passed; and all such rejected bills or resolutions, with the accompanying papers, shall be returned to, and left in custody of, the house which first acted upon them.

12. Each house shall transmit to the other all papers on which any bill or resolution shall be founded; and should such bill or resolution pass both houses, the same papers shall be delivered to the Governor.

13. After each house shall have adhered to the vote of disagreement, a bill or resolution shall be lost.

14. No bill, which shall have passed one house, shall be sent for concurrence to the other, on either of the two last days of the session.

(S. 1.) A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the bill entitled “An act in amendment of Chapter 80 of the Revised Statutes, entitled ‘Of Banks.’”

The President announced the appointment of Mr. Onion and Mr. Smith as the Committee on Bills, on the part of the Senate.

(S. 3.) Mr. Smith introduced [a bill entitled “An act relating to offences against private property, in alteration of an act in addition to Chapter 95 of the Revised Statutes.”]

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And it was read the first and second time, and  
*Ordered*, To be engrossed and read a third time.  
The said bill was thereupon engrossed, and the rule, on motion of  
Mr. Smith, having been suspended, it was  
Read the third time and passed.

The hour to which the Joint Assembly was adjourned having arrived,  
the Senate repaired to the hall of the House of Representatives.  
And having returned therefrom,

Mr. Brownell presented the petition of Hiland Hall, for the passing  
of an act in relation to *variance* between the pleadings and proof in  
judicial proceedings.

And it was read and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their  
Clerk :

MR. PRESIDENT :—The House of Representatives have, on their  
part, adopted the Joint Rules reported to them by the Joint Committee  
of the two Houses.

On motion of Mr. Rich,  
The Senate adjourned.

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Prayer by the Chaplain.

The journal of Saturday was read and approved.

Mr. Campbell presented the petition of S. S. Arnold and 79 others  
of Westminster, praying for legislation in behalf of Common School  
education.

Mr. Bradley presented a like petition from Nahum Peck and 95  
others of Hinesburgh.

Mr. Hodges presented a like petition from F. W. Hopkins and 143  
others of Rutland.

Mr. Button presented a like petition from Jared Andrews and 49  
others of Mount Holly.

And these petitions were respectively referred to the Committee on  
Education.

(S. 4.) Mr. Vilas introduced a bill entitled "An act relating to Attorneys at Law."

And it was read the first and second times, and referred to the Committee on the Judiciary.

(S. 5.) Mr. Smith introduced a bill entitled "An act directing the Treasurer to pay Richard F. Abbott the sum therein mentioned."

And it was read the first and second times, and referred to the Committee on Claims.

Mr. Billings presented the following resolution, which was read and passed :

*Resolved*, That so much of the Governor's message as relates to the subject of Education, be referred to the Committee on Education.

The President announced the appointment of Mr. Sabin, Mr. Fifield, and Mr. Brownell, to constitute, on the part of the Senate, the Joint Committee under the fifth Joint Rule.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have appointed Mr. Maxham and Mr. Bill to constitute, on their part, the Joint Committee on Bills ; and Mr. Stevens, Mr. Kellogg, and Mr. Fairbanks, the Joint Committee to whom may be referred all documents transmitted by the Governor to either House for the use of the General Assembly.

Mr. Rich presented the following resolution, which was read and passed :

*Resolved*, That so much of the Governor's message as relates to "the four brass cannon taken by the Green Mountain Boys from the British at Bennington on the 16th of August, 1777," be referred to the Committee on Military Affairs.

Mr. J. Barrett presented the following resolution, which was read and passed :

*Resolved*, That so much of the Governor's message as relates to the Asylum for the Insane ; also so much as relates to the Geological Survey of the State ; also so much as relates to "Supreme and County Court Orders," and "Clerks of Courts for the expenses of Supreme and County Courts," be referred to the Committee on Finance.

The documents accompanying the Governor's Message, relating to the brass cannon taken from the British at Bennington on the 16th of August, 1777, were referred to the Committee on Military Affairs. [See Appendix.]

On motion of Mr. Noyes,  
The Senate adjourned.

## AFTERNOON.

Mr. T. T. Barrett presented the petition of William Armington and 78 others of Chester, praying for legislative aid in promotion of the improvement of Common School education.

Mr. Sabin presented like petitions from Jesse Smith and 32 others, and James Sowle and 31 others of Fairfield.

And these petitions were respectively referred to the Committee on Education.

(S. 1.) Mr. Onion, from the Committee on Bills, reported that they had, this day, presented to the Governor for his approval and signature, the bill entitled "An act in amendment of Chapter 80 of the Revised Statutes, entitled 'Of Banks.'"

(S. 6.) Mr. J. Barrett introduced a bill entitled "An act in addition to 'an act incorporating the village of Woodstock,' passed Oct. 11, 1836."

And it was read the first and second times, and referred to the Committee on Roads and Canals.

Mr. Billings presented the following resolution, which was read and passed:

*Resolved*, That the Committee on Land Taxes be instructed to inquire into the propriety of so altering the listing law that the lists of the several towns in this State may be finished by the first of August, or near that time, and that the taxes be made immediately after the completion of the lists, and put into the collectors' hands.

(S. 7.) Mr. Richardson introduced a bill entitled "An act in addition to Chapter 28 of the Revised Statutes."

And it was read the first and second times, and referred to the Committee on the Judiciary.

(S. 8.) Mr. Brownell introduced a bill entitled "An act in amendment of Chapter 63 of the Revised Statutes, relating to divorce."

And it was read the first and second times, and referred to the Committee on the Judiciary.

On motion of Mr. Onion,  
The Senate adjourned.

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TUESDAY, OCTOBER 14, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 9.) Mr. Richardson introduced a bill entitled "An act in alteration of Chapter 15 of the Revised Statutes, entitled 'Of the settlement of Paupers.'"

And it was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Onion presented the following resolution, which was read and passed :

*Resolved*, That so much of the Governor's Message as relates to the subject of Usury, be referred to the Committee on the Judiciary.

Mr. Vilas presented the petition of Daniel Pride and 20 others of Williamstown, praying for legislation in aid of Common Schools.

And it was referred to the Committee on Education.

Mr. Simonds presented the petition of Amasa F. Clark and 113 others, praying for an alteration in the existing Militia law.

And it was read and referred to the Committee on Military Affairs.

Mr. Billings presented the following resolution :

*Resolved*, That so much of the Governor's Message as relates to our connection with the Federal Union, Texas, and Slavery, be referred to the Judiciary Committee.

And it was read, and,

On motion of Mr. Vilas,

*Ordered*, To lie upon the table.

(S. 1.) A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs :

Mr. PRESIDENT :—I am directed by the Governor to announce to the Senate that he has this day approved and signed the bill entitled "An act in amendment of Chapter 80 of the Revised Statutes, entitled 'Of Banks.' "

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT :—The House of Representatives have passed a resolution providing for a Joint Assembly to elect a Sergeant-at-Arms and an Auditor in the Treasury Department, in which they request the concurrence of the Senate.

(S. 3.) The House have considered the bill from the Senate entitled " An act relating to offences against private property, in alteration of an act in addition to Chapter 95 of the Revised Statutes," and have resolved *not* to concur in passing the same.

The Senate took up the resolution of the House of Representatives providing for a Joint Assembly this afternoon at two o'clock, to elect a Sergeant-at-Arms and an Auditor in the Treasury Department.

And, on motion of Mr. J. Barrett,

*Ordered*, To be amended by striking out the word "to-morrow" and inserting the words "on Wednesday, the 15th instant."

And, thus amended, the resolution was passed in concurrence.

(S. 10.) Mr. Woodbridge introduced a bill entitled " An act to repeal the 19th Section of Chapter 97 of the Revised Statutes, entitled ' Of offences against public justice.' "

And it was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Bellows presented the following resolution, which was read and passed :

*Resolved*, That so much of the Governor's Message as relates to the subject of Houses of Correction be referred to a Select Committee.

The President announced the appointment of Mr. Bellows, Mr. Page, and Mr. Hodges, as the Select Committee under the foregoing resolution.

On motion of Mr. Richardson,  
The Senate adjourned.

## AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT :—The House of Representatives have considered the amendment of the Senate to the resolution providing for a Joint Assembly to elect a Sergeant-at-Arms and an Auditor in the Treasury Department, and have resolved to adopt the same in concurrence.

(H. 7.) The House have passed a bill entitled "An act relating to offences against private property," in which they request the concurrence of the Senate.

House bill No. 7 was read the first and second times, and referred to the Committee on the Judiciary.

The hour to which the Joint Assembly for the election of County Officers was adjourned having arrived, the Senate repaired to the hall of the House of Representatives.

And, having returned therefrom,

(S. 2.) Mr. Bradley, from the Committee on Banks, to whom was referred the bill entitled "An act to incorporate the Bennington County Bank," reported the same without amendment, with the opinion of the Committee that it ought to pass.

And, on motion of Mr. Hodges, said bill was  
*Ordered*, To lie upon the table.

Mr. J. Barrett presented the following resolution, which was read and passed :

*Resolved*, That the Committee on Finance be instructed to inquire whether any, and, if any, what, alteration in the existing laws touching the direction, superintendency and management of the State Prison be expedient, and report by bill or otherwise ; and that said Committee be empowered to send for persons and papers, if it shall be by them deemed necessary in order to a proper examination of the subject of the aforesaid inquiry.

Mr. Hodges introduced the following resolution :

*Resolved*, by the Senate and House of Representatives, That the Librarian of the State Library is hereby authorized and directed to purchase, at wholesale price, fifty copies of Washburn's Digest of the Decisions of the Supreme Court of the State of Vermont, and to transmit one copy of the same to the Librarian of Congress, and one copy to each of the States and Territories of this Union, and to retain the remainder of said

copies for the use of the State Library ; and the Treasurer of the State is hereby directed to pay for the copies so purchased, out of any money in the Treasury not otherwise appropriated.

And the said resolution was read twice and referred to the Committee on Finance.

On motion of Mr. Noyes,  
The Senate adjourned.

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WEDNESDAY, OCTOBER 15, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 11.) Mr. Woodbridge introduced a bill entitled "An act to amend Chapter 25 of the Revised Statutes, entitled 'Of the Supreme and County Courts.'"

And it was read twice, and referred to the Committee on the Judiciary.

Mr. Sabin presented the petition of C. R. Wilkins and 130 others of Colchester, praying for a law providing a more efficient Common School system.

And it was read and referred to the Committee on Education.

Mr. Billings presented a similar petition from H. H. Griffin and 38 others of Craftsbury.

Mr. J. Barrett presented a similar petition from Sidney B. Bates and 150 others of Hartland.

Mr. Marshall presented a similar petition from John Nichols and 26 others of Guildhall.

And these petitions were severally referred to the Committee on Education.

Mr. Morgan presented the following resolution, which was read and passed :

*Resolved, by the Senate and House of Representatives, That the Joint Assembly, appointed to be holden this day at 2 o'clock, P. M., for the purpose of electing an Auditor in the Treasury Department and a Sargent-at-Arms, be postponed until Friday, the 17th instant, at ten o'clock, A. M.*

Mr. Noyes presented the following resolution, which was read and passed :

*Resolved, That a Select Committee of three be appointed to investigate the condition of the Vermont Asylum for the Insane, and ascertain whether the Institution has performed its duty to the State, and*

whether any further legislation is necessary to protect the interests of the State, or the welfare of the Institution.

The Senate took up the resolution on the table providing for a reference of so much of the Governor's Message as relates to the subjects of the admission of Texas into this Union, and Slavery, to the Committee on the Judiciary.

On motion of Mr. J. Barrett, the resolution was amended, by striking out the words "*the Judiciary,*" and inserting the words "*a select.*"

And, thus amended, the resolution passed.

The President announced the appointment of Mr. Noyes, Mr. T. T. Barrett, and Mr. Campbell, as the Select Committee directed to be raised to inquire into the condition of the Vermont Asylum for the Insane.

(S. 12.) Mr. Woodbridge introduced a bill entitled "An act in addition to an act relating to licenses to inn-keepers and retailers."

And it was read twice and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk :—

Mr. PRESIDENT :—The House of Representatives have considered the resolution from the Senate postponing the Joint Assembly for the election of Sergeant-at-Arms and Auditor in the Treasury Department, and have resolved *not* to concur in the passage thereof.

On motion of Mr. Morgan,  
The Senate adjourned.

#### AFTERNOON.

(S. 13.) Mr. J. Barrett introduced a bill entitled "An act in amendment of Chapter 1 of the Revised Statutes, entitled 'Of Elections.'"

And it was read the first and second times, and referred to the Committee on Elections.

A message in writing was received from the Governor, by the hands of Mr. Beaman, Secretary of Civil and Military Affairs, and was read, as follows :

To the Senate :

I have the honor to inform the Senate, that I have received the first Annual Report of the Vermont Central Railroad Company, and transmitted the same to the House of Representatives, for the use of the General Assembly.

WILLIAM SLADE.

EXECUTIVE CHAMBER, }  
October 15, 1845. }

The hour designated by a resolution of the two Houses, for a meeting of the Joint Assembly, having arrived, the Senate repaired to the hall of the House of Representatives.

And having returned therefrom,

(S. 14.) Mr. J. Barrett introduced a bill entitled, "An act to alter the name of the Windsor County Bank."

And it was read twice and referred to the Committee on Banks.

The following message in writing was received from the Governor, by the hands of Mr. Beaman, Secretary of Civil and Military Affairs:

*To the Senate and House of Representatives:*

I transmit herewith, to each branch of the General Assembly, in printed form, the first Annual Report of the Geologist, referred to in my annual message.

To avoid delay in its delivery to the members of the two Houses in printed form—a form in which it must necessarily appear to answer the purpose of the report—I have caused it to be printed in advance, and at my own expense—there being no appropriation from which it could be drawn—trusting that the Legislature would order the amount to be refunded to me.

I have ordered 900 copies of the Report, at an expense, including the wood-cut engravings, and the map of the State, of \$167 59.

I send to the two Houses a number of copies of the Report, sufficient to supply one to each member, and retain the balance for the future disposition of the Legislature.

I have been governed in regard to the number of copies printed, by a belief that the number ordered would not be more than sufficient for the distribution which the General Assembly would deem it desirable to make of the Report, since a liberal distribution will have the effect, not only of disseminating valuable information among the people on a subject not generally understood, but will give such a direction to thought, and observation, and enquiry, as may be very useful to the survey in its future progress.

WILLIAM SLADE.

EXECUTIVE CHAMBER,  
October 15, 1845.

And it was read and referred to the Committee on Finance.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution directing a distribution, to the several County Clerks, of the Laws of the United States, in which they request the concurrence of the Senate.

(S. 15.) Mr. Smith introduced a bill entitled "An act relating to interest of money, in addition to Chapter 72 of the Revised Statutes."

And it was read twice and referred to the Committee on the Judiciary.

Mr. J. Barrett presented the petition of William Herrick, an alien, praying to be legally authorized to hold and convey real estate in this State.

And it was read and referred to the Committee on the Judiciary.

The Senate took up the resolution from the House of Representatives, providing for the distribution, to the several County Clerks, of copies of the Laws of the United States, and of such Acts of Congress

as may be in the State Library, or may be hereafter received for distribution.

And it was read and passed in concurrence.

On motion of Mr. T. T. Barrett,  
The Senate adjourned.

## THURSDAY, OCTOBER 16, 1845.

Prayer by the Rev. Dr. Dempster.

The journal of yesterday was read and approved.

The President announced the appointment of Mr. Billings, Mr. Marshall and Mr. Woodbridge, as the Select Committee directed to be raised on so much of the Governor's Message as relates to the subjects of the Federal Union, Texas, and Slavery.

Mr. Richardson presented the following resolution, which was read and passed :

*Resolved*, That the Committee on the Judiciary be instructed to inquire whether any alteration of the present law in relation to the duties or fees of Sheriffs and Constables, is necessary.

Mr. Simonds presented the petition of Josiah Morse and 87 others of Concord, praying for legislation in aid of the improvement of Common Schools.

And it was referred to the Committee on Education.

(S. 6.) Mr. Chittenden, from the Committee on Roads and Canals, to whom had been referred the bill entitled "An act in addition to 'an act incorporating the Village of Woodstock,' passed Oct. 11, 1836," requested that the Committee be discharged from further consideration of the same.

And the request was granted.

And, on motion of Mr. Chittenden,  
The said bill was referred to the Committee on the Judiciary.

On motion of Mr. Noyes,  
The Senate adjourned.

## AFTERNOON.

(S. 6.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in addition to 'an act in-

corporating the Village of Woodstock,' passed Oct. 11, 1836," report-ed the same, without amendment.

And it was

*Ordered*, To be engrossed and read the third time.

Mr. Noyes, from the Select Committee raised to inquire into the con-dition of the Vermont Asylum for the Insane, submitted the following report, which was read and

*Ordered*, To lie upon the table. [See Appendix.]

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT :—The House of Representatives have passed a reso-lution providing for the distribution of the Report of the State Geologist to each town in the State; and have also passed bills of the following titles :

(H. 10.) "An act relating to Fire Engine Companies."

(H. 16.) "An act providing for an additional session of the Su-preme Court in Windsor County."

(H. 20.) "An act relating to inquests on the dead."

(H. 24.) "An act establishing the boundary line between the towns of Enosburgh and Bakersfield."

(H. 34.) "An act in addition to an act in amendment of Chapter 18 of the Revised Statutes, entitled 'Of Common Schools,' approved Oct. 30, 1844." And

(H. 37.) "An act for the relief of Patrick O'Flanagan."

In which resolution and bills they request the concurrence of the Senate.

And the said bills from the House of Representatives were severally read the first and second times, and referred as follows :

House bills No. 10, No. 16, No. 20, and No. 37, to the Committee on the Judiciary.

House bill No. 34 to the Committee on Education. And

House bill No. 24 to the Committee on Land Taxes.

(S. 14.) Mr. Bradley, from the Committee on Banks, to whom was referred the bill entitled "An act to alter the name of the Windsor County Bank," reported the same, without amendment, with the opin-ion that it ought to pass.

And it was

*Ordered*, To be engrossed and read the third time.

(S. 12.) Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in addition to an act rela-ting to licenses to inn-keepers and retailers," reported the same, with-out amendment, with the opinion that it ought to pass.

And it was

*Ordered*, To be engrossed and read the third time.

(S. 8.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in amendment of Chapter 63 of the Revised Statutes, relating to divorce," reported the same, with the opinion that it ought *not* to pass.

And the third reading thereof was refused.

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The resolution from the House of Representatives providing for a distribution, to the several Town Clerks, for the use of the Towns in this State, of the Report of the State Geologist, was taken up, and Passed in concurrence.

(S. 16.) Mr. J. Barrett introduced a bill entitled "An act in amendment of Chapter 35 of the Revised Statutes, entitled 'Of ejectment.'"

And it was read the first and second times, and referred to the Committee on the Judiciary.

(S. 2.) Mr. Hurd called up the bill on the table entitled "An act to incorporate the Bennington County Bank."

And, on motion of Mr. Hodges, it was recommitted to the Committee on Banks.

(S. 14.) The Senate took up the engrossed bill entitled "An act to alter the name of the Windsor County Bank."

And it was read the third time and passed.

On motion of Mr. Richardson,  
The Senate adjourned.

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## FRIDAY, OCTOBER 17, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Sabin presented the petition of C. G. Burnham and 43 others, on the subject of Common School education.

And it was referred to the Committee on Education.

(S. 6.) The Senate took up the engrossed bill entitled "An act in addition to 'an act incorporating the Village of Woodstock,' passed Oct. 11, 1836."

And it was read the third time and passed.

(S. 12.) The engrossed bill entitled "An act in addition to an act relating to licenses to inn-keepers and retailers," was taken up, and

Read the third time and passed.

(S. 7.) Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in addition to Chapter 28 of the Revised Statutes," reported the same with the proposal to amend by inserting after the word "stalk" in the 4th line, the words, "which shall have been severed from the hill on which it grew."

And the amendment proposed was adopted; and the bill  
Ordered, To be engrossed and read the third time.

(H. 34.) Mr. Sabin, from the Committee on Education, to whom was referred the bill from the House of Representatives entitled "An act in addition to an act in amendment of Chapter 18 of the Revised Statutes, entitled 'Of Common Schools,' approved Oct. 30, 1844," reported the same without amendment, with the opinion that it ought to pass; and it was

*Ordered*, To be read the third time.

And the said bill was thereupon read the third time and passed in concurrence.

(S. 17.) Mr. Vilas introduced a bill entitled "An act to restore John W. Staples to his legal privileges."

And it was read the first and second times, and referred to the committee on the Judiciary.

(S. 18.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the petition of Hiland Hall on the subject of Variances between the declaration and the proof in judicial proceedings, reported a bill entitled "An act in addition to Chapter 25 of the Revised Statutes, entitled 'Of the Supreme and County Courts.' "

And it was read the first and second times, and

*Ordered*, To be engrossed and read the third time.

(S. 10.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the bill entitled "An act to repeal the 19th Section of Chapter 97 of the Revised Statutes—'Of offences against public justice,'" reported the same, with the opinion that it ought *not to pass*.

And the third reading thereof was refused.

(S. 4.) Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred the bill entitled "An act relating to Attorneys at Law," reported the same with the proposal to amend as follows:

Insert after the word "money" in the 13th line of the first page, the word "hereafter"; and after the word "execution," in the 23d line, insert the words, "Unless the Court shall be satisfied that the failure of such Attorney to pay over the money so collected shall have been occasioned by accident and without the fault of said Attorney," and erase the words "judgment and" in the 24th line, and insert, after the word "execution" in the same line, the words "with such endorsement thereon."

And, thus amended, the Committee recommended the passage of the bill.

And the said amendments were severally adopted, and the bill

*Ordered*, To be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for a Joint Committee to ascertain and adjust the boundary line between the Counties of Windham and Bennington, in which they request the concurrence of the Senate.

Mr. Sias requested leave of absence from the Senate until Monday next at 2 o'clock, P. M.

And the leave asked was granted.

(S. 10.) On motion of Mr. Billings, the vote was reconsidered by which the third reading of the bill entitled "An act to repeal the 19th

Section of Chapter 97 of the Revised Statutes, "Of offences against public justice," was refused.

And, on motion of Mr. Billings, the said bill was  
*Ordered*, To lie upon the table.

The Senate considered the resolution from the House of Representatives providing for a Joint Select Committee to consist of the Senators of Bennington and Windham Counties, and of three members of the House from each of said Counties, to inquire into the expediency of providing by law for ascertaining the boundary line between said Counties.

And it was read and passed in concurrence.

On motion of Mr. Smith,  
The Senate adjourned.

#### AFTERNOON.

(S. 2.) Mr. Bradley from the Committee on Banks, to whom was re-committed the bill entitled "An act to incorporate the Bennington County Bank," reported the same, with the proposal so to amend the same, that the Capital Stock shall be one hundred thousand dollars, instead of fifty thousand, the shares four thousand, instead of two thousand, and the number of the Directors seven, instead of five.

And the amendments proposed were adopted, and the bill, as amended, was

*Ordered*, To be engrossed and read the third time.

(H. 20.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the House bill entitled, "An act relating to inquests on the dead," reported the same with the opinion that it ought *not* to pass.

And the third reading thereof was refused.

(S. 9.) Mr. Woodbridge from the same Committee, to whom was referred the bill entitled "An act in alteration of Chapter 15 of the Revised Statutes, entitled 'Of the settlement of Paupers,'" reported the same with the opinion that it ought *not* to pass.

And, on motion of Mr. Richardson, the said bill was dismissed.

The Senate took up the following engrossed bills:

(S. 7.) "An act in addition to Chapter 28 of the Revised Statutes."

And

(S. 18.) "An act in addition to Chapter 25 of the Revised Statutes, entitled 'Of the Supreme and County Courts.'"

And the said engrossed bills were severally read the third time and passed.

(S. 19.) Mr. Winn introduced a bill entitled "An act in addition to Chapter 28 of the Revised Statutes, relating to the attachment of personal property."

And it was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Richardson, from the Committee on Land Taxes, to whom was referred the duty, under a resolution of the Senate on the journal of the thirteenth instant, of inquiring into the expediency of certain alterations in the Listing law of this State, reported that, in their opinion, the Committee on Land Taxes is not the appropriate Committee to propose the alteration suggested by the resolution, and asked to be discharged from further consideration of the subject.

And the Committee were thereupon discharged.

Mr. Rich, from the Committee on Finance, to whom was referred the communication of the Governor relative to the printing of the Report of the State Geologist, and to the expense incurred by him therein, reported that in the opinion of the Committee the claim against the State embraced in said communication should properly be presented to the Auditor of Accounts, and requested to be discharged from further consideration thereof.

And the Committee were thereupon discharged.

Mr. Rich, from the same Committee, to whom was referred the resolution on the journal of the 14th instant, authorizing the Librarian to purchase fifty copies of Washburn's Digest of the Reports of the Supreme Court, reported the same with the proposal to amend the same, by inserting, after the word "*Territories*," the words "*and one copy to each County Clerk*;" and also by striking out all after the word "*Library*" in the 4th line from the bottom; and, thus amended, they recommend the passage thereof.

And the said amendments were adopted, and the resolution, as amended, was

*Ordered*, To be engrossed and read the third time.

(S. 10.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act relating to Fire Engine Companies," reported the same, without amendment, with the opinion of the Committee that it ought to pass.

Mr. Campbell moved to amend the bill by inserting the word "*town*" before the word "*taxes*," in the 4th line of Section 1.

And the question being taken, this amendment proposed was rejected.

Mr. Howe moved to amend the bill by striking out from Section 1, the words "*and shall, also, be exempt from serving as jurors.*"

And the question being taken, the amendment was rejected; and the bill was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives concur with the Senate in passing the bill (S. 14) entitled "An act to alter the name of Windsor County Bank."

The following communication was received from the Governor, by the hands of Mr. Beaman, Secretary of Civil and Military Affairs:

And it was read and referred to the Senators from Bennington County.

*To the Senate:*

I have the honor to inform you that Leonard Sargent declines to accept the office of First Assistant Judge of the County Court of the county of Bennington, to which he has been elected by the Joint Assembly, for the ensuing political year.

WILLIAM SLADE.

EXECUTIVE CHAMBER, }  
October 17, 1845. }

(H. 16.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act providing for an additional session of the Supreme Court in Windsor County," reported the same without amendment, with the opinion that it ought to pass.

And the bill was

*Ordered,* To be read the third time.

And it was, thereupon, read the third time and passed in concurrence.

(H. 7.) Mr. J. Barrett, from the same Committee, to whom was referred the House bill entitled "An act relating to offences against private property," reported the same with the recommendation that it be amended as follows:

Add to Section 1 the following proviso:

"Provided, however, that the County Court, for the aforesaid offences, shall impose only such penalties as Justices may, for the same offences."

And strike out from Section 2, all after the word "value," in the 4th line.

And, thus amended, that it ought to pass.

And the amendments proposed were adopted; and the bill, as amended, was

*Ordered,* To be read the third time.

And it was, thereupon, read the third time and passed in concurrence.

(H. 24.) Mr. Bernis, from the Committee on Land Taxes, to whom was referred the House bill entitled "An act establishing the boundary line between the towns of Engsburgh and Bakerafield," reported the same, without amendment, with the opinion that it ought to pass.

And the bill was

*Ordered,* To be read the third time.

And it was read the third time and passed in concurrence.

Mr. Winn, on his own request, was excused from attendance in the Senate during to-morrow, the 18th instant.

On motion of Mr. Woodbridge,  
The Senate adjourned.

SATURDAY, OCTOBER 18, 1845.

Prayer by the Chaplain.

The journal of yesterday was read, corrected, and approved.

(S. 20.) Mr. Button introduced a bill entitled "An act to establish a Hospital at Castleton."

And it was read the first and second times, and referred to the Committee on Education.

Mr. Onion presented the petition of Geo. Green and 90 others of Swanton, in relation to Common School education.

And it was referred to the Committee on Education.

Mr. T. T. Barrett, from the Committee on Military Affairs, to whom was referred so much of the Governor's Message as relates to the four brass cannon taken from the British at Bennington, in 1777, together with the accompanying documents, reported the following preamble and resolution, which were read and adopted :

Whereas, by a resolution of the General Assembly at their last session, it was made the duty of the Governor to request the delivery, by the General Government, of "the four brass cannon taken by the Green Mountain Boys, from the British, at Bennington, on the 16th of August, 1777," and deposit the same, when received, in the State House at Montpelier; and, whereas, it appears by the annual message of the Governor, that, upon application by him to the Secretary of War, the delivery of the cannon has been declined by the National Executive, and the Governor referred to Congress as the appropriate authority to place said cannon at the disposal of this State;

Therefore,

*Resolved, by the Senate and House of Representatives, That the Senators of this State in Congress be instructed, and the Representatives requested to use their exertions to obtain an order of Congress for the delivery of said cannon, to be deposited in the State House of this State, as a memorial of the valor which achieved the victory so honorable to the "Green Mountain Boys," as well as signally beneficial to the country.*

(S. 13.) Mr. Morgan, from the Committee on Elections, to whom was referred the bill entitled "An act in amendment of Chapter 1 of the Revised Statutes, entitled 'Of Elections,'" reported the same with the proposal to amend as follows:

Add to Section 1 the following:

"*And if, upon said third ballot no election shall be made, the presiding officer shall so inform the meeting, and shall call for, sort, and count the votes, as upon the said third ballot; and shall continue so to do until some one shall receive the highest number of votes.*"

And thus amended, the Committee recommended the passing of the bill.

Mr. J. Barrett moved to amend the amendment proposed by the Committee, by adding thereto the following words:

"*When the presiding officer shall declare the person having such plurality, elected.*"

And it was so ordered, and  
The amendment, as amended, was thereupon adopted, and the bill,  
as amended, was, on motion of Mr. Billings,  
*Ordered*, To lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT:—The House of Representatives have passed bills  
of the following titles :

(H. 4.) "An act to incorporate the Winooski Mill Company."

(H. 40.) "An act relating to fees of Defendants in Justices' Courts."

And

(H. 45.) "An act in addition to an act entitled 'An act to encourage and promote agriculture.'"

In which they request the concurrence of the Senate.

The said bills from the House of Representatives were severally read  
the first and second times, and referred as follows :

(H. 4.) House bill No. 4, to the Committee on Manufactures.

(H. 40.) House bill No. 40, to the Committee on the Judiciary.  
And

(H. 45.) House bill No. 45, to the Committee on Agriculture.

(S. 4.) Mr. Rich moved that the Senate reconsider their vote by  
which the bill entitled "An act relating to Attorneys at Law," was  
ordered to be engrossed and read the third time.

And it was so ordered.

Mr. Rich moved, further, a reconsideration of the vote by which the  
Senate ordered the bill to be amended by inserting the word "*here-*  
*after*" after the word "*money*," in the 13th line on the first page.

And it was so ordered.

The question then being, Will the Senate amend the bill by inserting  
the word "*hereafter*" after the word "*money*," as proposed by the  
Committee?

On motion of Mr. Woodbridge, the bill and amendment proposed were  
*Ordered*, To lie upon the table, and be made the special order of the  
day for Tuesday morning next.

The following communication was received from the Governor, by  
the hands of Mr. Beaman, Secretary of Civil and Military Affairs :

To the Senate :

I transmit, herewith, for the use of the General Assembly,  
a Report of the Commissioners appointed by me to examine into the  
condition of the University of Vermont. WILLIAM SLADE.

EXECUTIVE CHAMBER,

Oct. 18, 1845.

The Report accompanying the foregoing communication was, there-  
upon, read, and referred to the Committee on Education. [See Ap-  
pendix.]

(S. 2.) The engrossed bill entitled "An act to incorporate the Ben-  
nington County Bank," was taken up and read the third time.

The question being, Shall the bill pass? it was,

On motion of Mr. Vilas,

*Ordered*, To be laid on the table, and made the special order of the  
day for Tuesday morning next.

The Senate took up the engrossed resolution directing the Librarian to purchase and distribute fifty copies of Washburn's Digest of the Reports of the Supreme Court of this State.

And it was read the third time and passed.

On motion of Mr. Woodbridge, it was  
*Ordered*, That when the Senate adjourn, it adjourn to meet on Monday morning next.

Mr. Chittenden presented the petition of Oliver Beckwith and Clarinda, his wife, and Seymour L. Stafford, praying for an alteration of the name of said Stafford.

And it was read and referred to the Committee on the Judiciary.

On motion of Mr. J. Barrett,  
The Senate adjourned.

MONDAY, OCTOBER 20, 1845.

Prayer by the Rev. Mr. Comings.

The journal of Saturday was read and approved.

Mr. Bradley presented the petition of David French and 158 others, of Williston, relating to the subject of Common Schools.

And it was referred to the Committee on Education.

(S. 21.) Mr. Bradley introduced a bill entitled "An act to amend the Charter of the Burlington Mill Company."

And it was read the first and second times, and referred to the Committee on Manufactures.

A message from the House of Representatives, by Mr. Merrill, their Clerk.

MR. PRESIDENT:—The House of Representatives have appointed as the Committee on their part, on the Joint Committee ordered to be raised by the Joint Resolution of the two Houses to inquire into the expediency of providing by law for ascertaining the boundary line between the Counties of Windham and Bennington, Messrs. Parsons, Rice, Aiken, Batchelder, Bishop, and Stetson.

Mr. Hodges presented the following resolution, which was read and passed:

*Resolved*, by the Senate and House of Representatives, That both Houses meet in Joint Assembly on Wednesday next, at 10 o'clock A.M., to elect Judges of the Supreme Court for the year ensuing.

(S. 22.) Mr. Sabin, from the Committee on Education, to whom had been referred the petition of Thomas H. Palmer and 2,308 others, citizens

of this State, on the subject of the improvement of Common School education, reported a bill entitled 'An act relating to Common Schools.' "

And it was read the first and second times, and,

On motion of Sabin,

*Ordered*, to lie upon the table, and that the Secretary procure 300 copies to be printed for the use of the Senate.

The following communication was received from the Governor, by the hands of Mr. Beaman, Secretary of Civil and Military Affairs:

*To the Senate*:

I have the honor to inform you that I have this day transmitted to the House of Representatives, for the use of the General Assembly, the Report of a committee appointed under a Joint Resolution of 1843, to examine the accounts, returns, and all documents of the Sixteenth Regiment of the Vermont Militia, relating to the assessment of fines and the collection and disbursement of the monies arising therefrom, under the laws of 1837, 1839 and 1840.

WILLIAM SLADE.

EXECUTIVE CHAMBER,  
October 20, 1845. }

(S. 23.) Mr. J. Barrett introduced a bill entitled "An act in addition to Chapter 74 of the Revised Statutes, entitled 'Of Pedlers.' "

And it was read the first and second times, and referred to the Committee on the Judiciary.

On motion of Mr. Onion,  
The Senate adjourned.

## AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have passed a bill (H. 39) entitled "An act to repeal the laws giving a bounty on silk," in which they request the concurrence of the Senate.

And the said House bill, No. 39, was read the first and second times, and referred to the Committee on Manufactures.

(S. 24.) Mr. Smith introduced a bill entitled "An act relating to the laying out of highways, in addition to Chapter 20 of the Revised Statutes."

And it was read the first and second times, and referred to the Committee on Roads and Canals.

(S. 25.) Mr. J. Barrett introduced a bill entitled "An act for the relief of Creditors."

And it was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Noyes called up the Report of the Select Committee appointed to inquire into the condition of the Vermont Asylum for the Insane.

And, on his motion, it was referred to the Committee on Finance.

(S. 13.) The Senate took up the bill on the table, entitled "An act in amendment of Chapter 1 of the Revised Statutes, entitled 'Of Elections.' "

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative; so the third reading was refused.

(S. 10.) The Senate took up the bill on the table, entitled "An act to repeal the 19th Section of Chapter 97 of the Revised Statutes, entitled 'Of offences against public justice.' "

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative: } Yeas 7.  
} Nays 19.

The yeas and nays being demanded by Mr. Vilas, were as follows:

Those Senators who voted in the affirmative, are Messrs. Bellows, Chittenden, Hodges, Noyes, Onion, Smith, and Woodbridge.

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Bemis, Billings, Bradley, Brownell, Button, Campbell, Clapp, Fifield, Howe, Ladd, Marshall, Page, Rich, Richardson, Sabin, Sias, and Vilas.

So the third reading thereof was refused.

On motion of Mr. T. T. Barrett,  
The Senate adjourned.

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TUESDAY, OCTOBER 21, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 26.) Mr. Vilas introduced a bill entitled "An act to distribute to the several towns, for the support of Common Schools, the income of the State School Fund."

And it was read the first and second times, and referred to the Committee on Education.

(S. 13.) Mr. Onion moved that the vote of the Senate by which the third reading of the bill entitled "An act in amendment of Chapter 1 of the Revised Statutes, entitled 'Of Elections,' " was refused, be reconsidered.

And it was so ordered.

The question then recurring, Shall the bill be engrossed and read the third time?

On motion of Mr. Noyes, the bill was  
Ordered, to lie upon the table.

Mr. Smith presented the memorial of the Directors of the Bank of Montpelier, praying an investigation in relation to an alleged issue of money, on the part of said Bank, beyond the amount authorized by law.

And it was read and referred to the Committee on Banks.

Mr. J. Barrett presented the following resolution, which was read and passed:

*Resolved*, That the Committee on Banks be directed to notify the Bank Commissioner of the Memorial of the Directors of the Bank of Montpelier, by a copy thereof, before acting thereon.

The following communication, and the Report alluded to therein, were received from the Governor, by the hands of Mr. Beaman, Secretary of Civil and Military Affairs: and were read and referred to the Committee on Finance. [See Appendix.]

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a bill (H. 14) entitled “An act to prohibit the bringing of paupers from any other State into this State,” in which they request the concurrence of the Senate.

(S. 6.) The House concur with the Senate in passing the bill entitled “An act in addition to ‘an act incorporating the Village of Woodstock,’ passed Oct. 11, 1836.”

(H. 14.) The House bill No. 14 was read the first and second times, and referred to the Committee on the Judiciary.

(S. 2.) The Senate took up the special order, being the engrossed bill entitled “An act to incorporate the Bennington County Bank.”

On motion of Mr. Hurd, the bill was

Ordered, To be committed to a Senator, for the purpose of making the following specific amendment, to wit:—

To strike out from section 3, the words, “*within one year from the passage of this act,*” and to insert in lieu thereof the words “*not more than six months previous to the date of the expiration of the Charter of the present Bank of Manchester.*”

And Mr. Hurd was thereupon appointed by the President to make the said amendment.

Mr. Hurd reported the bill amended as directed by the Senate.

The question then being, Shall the bill pass?

It was decided in the negative: { Yeas 10.

{ Nays 20.

The yeas and nays, being demanded by Mr. Vilas, were as follows:

Those Senators who voted in the affirmative are Messrs. T. T. Barrett, Billings, Bradley, Brownell, Chittenden, Hodges, Hurd, Ladd, Rich and Woodbridge.

Those Senators who voted in the negative are Messrs. J. Barrett, Bellows, Bemis, Button, Campbell, Clapp, Fifield, Howe, Marshall, Morgan, Noyes, Onion, Page, Richardson, Sabin, Sias, Simonds, Smith, Vilas and Winn.

So the passing of the bill was refused.

(S. 4.) The Senate proceeded to consider the special order of the day, being the bill on the table entitled “An act relating to Attorneys at Law.”

And the question pending, being, Will the Senate amend the bill by inserting the word "*hereafter*" after the word "*money*," in the 8th line of Section 1?

It was decided in the affirmative, } Yeas 23.  
                                          } Nays 7.

The yeas and nays being demanded by Mr. Woodbridge, were as follows:

Those Senators who voted in the affirmative are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Billings, Button, Campbell, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Onion, Page, Rich, Richardson, Sabin, Sias, Simonds, Smith, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. Bradley, Brownell, Fifield, Marshall, Morgan, Noyes, and Vilas.

So the amendment was ordered.

And the bill, as amended, was

*Ordered*, To be engrossed and read the third time.

On motion of Mr. Button,  
The Senate adjourned.

## AFTERNOON.

(S. 16.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in amendment of Chapter 35 of the Revised Statutes, entitled 'Of Ejectment,'" reported the same, with the opinion of the Committee that it ought *not* to pass.

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative.

So the bill was lost.

(H. 40.) Mr. Vilas, from the same Committee, to whom was referred the House bill entitled "An act relating to fees of defendants in Justices' Courts," reported the same, with the opinion of the Committee that it ought *not* to pass.

And the question being, Shall the bill be read the third time?

It was decided in the negative.

So the bill was lost.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed bills of the following titles:

(H. 6.) "An act to facilitate the rendering of turnpike roads, free roads."

(H. 33.) "An act altering the times for holding the County Courts in the County of Windham." And

(H. 63.) "An act granting to George Niles the exclusive right of keeping a Ferry."

In which bills they request the concurrence of the Senate.

(S. 27.) Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred the petition of Sylvester Grout, stated on the journal of the 10th instant, reported a bill entitled "An act in addition to Chapter 18 of the Revised Statutes, entitled 'Of Common Schools,'" and recommended the passing of the same.

And it was read the first and second times, and  
*Ordered*, To be engrossed and read the third time.

(S. 28.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the resolution on the journal of the 16th instant, relating to the duties and fees of Sheriffs, reported a bill entitled "An act in amendment of Chapter 107 of the Revised Statutes, entitled 'Of Salaries and Fees,'" and recommended the passing thereof.

And it was read the first and second times, and  
*Ordered*, To be engrossed and read the third time.

(S. 23.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in addition to Chapter 74 of the Revised Statutes, entitled 'Of Pedlers,'" reported the same without amendment, with the opinion that it ought to pass.

And, on motion of Mr. Billings, the said bill was  
*Ordered*, To lie upon the table.

(S. 20.) Mr. Sabin, from the Committee on Education, to whom was referred the bill entitled "An act to establish a Hospital at Castleton," reported the same without amendment, with the opinion of the Committee that it ought to pass.

Mr. Vilas moved to amend the bill, by adding the following section :  
"Section 6. *This act shall be under the control of any future Legislature to alter, amend, or repeal, as the public good may require.*"

And, without taking the question thereon,  
On motion of Mr. T. T. Barrett, the bill and amendment were  
*Ordered*, To lie upon the table.

(H. 45.) Mr. Button, from the Committee on Agriculture, to whom was referred the House bill entitled "An act in addition to an act entitled 'An act to encourage and promote Agriculture,'" reported the same without amendment, and recommended the passing thereof.

And it was  
*Ordered*, To be read the third time.  
And it was, thereupon, read the third time and passed in concurrence.

The following House bills were taken up, read the first and second times, and severally referred as follows :—

House bill No. 6, and No. 63, to the Committee on Roads and Canals. And

House bill No. 33, to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a resolution authorizing an amendment of the Record of the Charter of the Town of Glover, in which they request the concurrence of the Senate.

(S. 29.) Mr. J. Barrett introduced a bill entitled "An act in addi-

tion to Chapter 24 of the Revised Statutes, entitled 'Of the Supreme and County Courts.'"

And it was read the first and second times, and referred to the Committee on the Judiciary.

The Senate took up the resolution from the House, authorizing the Secretary of State to amend the record of the Charter of the Town of Glover by inserting the name of the original proprietor.

And it was read, and,

On motion of Mr. Simonds,

*Ordered*, To be referred to the Committee on the Judiciary.

Mr. Onion, from the Committee on Bills, reported that the Committee had this day submitted to the Governor for his approval and signature, bills of the following titles:—

(H. 34.) "An act in addition to an act in amendment of Chapter 18 of the Revised Statutes, entitled 'Of Common Schools,' approved Oct. 30, 1844."

(H. 16.) "An act providing for an additional Session of the Supreme Court in Windsor County."

(H. 24.) "An act establishing the boundary line between the towns of Enosburgh and Bakersfield."

(H. 10.) "An act relating to Engine Companies." And

(S. 14.) "An act to alter the name of Windsor County Bank."

(S. 4.) The engrossed bill entitled "An act relating to Attorneys at Law," was taken up, read the third time, and passed.

The hour to which the Joint Assembly was adjourned having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

On motion of Mr. Richardson,  
The Senate adjourned.

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WEDNESDAY, OCTOBER 22, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. J. Barrett presented the petition of Israel Warner, Abigail Meacham and Seth Warner, surviving children of Colonel Seth Warner, praying for an investigation of certain grants made by the Legislature of Vermont in 1779 and 1787 to Colonel Warner, and to Hester Warner, his widow, to the end that the true intent of the Legislature may be ascertained and carried out.

And it was read and referred to the Committee on Claims.

(S. 30.) Mr. Richardson introduced a bill entitled "An act for the improvement of Common Schools."

And it was read the first and second times, and referred to the Committee on Education.

(S. 17.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the bill entitled "An act to restore John W. Staples to his legal privileges, reported the same, without amendment, with the opinion that it ought to pass.

And it was

*Ordered*, To be engrossed and read the third time.

(S. 19.) Mr. Vilas, from the same Committee, to whom was referred the bill entitled "An act in addition to Chapter 28 of the Revised Statutes, relating to the attachment of personal property," reported the same without amendment, with the opinion of the Committee that it ought *not* to pass.

Mr. Billings moved certain verbal amendments, which were adopted.

And, on motion of Mr. Vilas, the bill was referred to the Committee on Manufactures.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT:—The House of Representatives have passed a resolution directing the Auditor of Accounts to audit the Account of the Secretary of State for comparing, correcting and completing the Record of Revolutionary Services, and the index thereto, in which they request the concurrence of the Senate.

(H. 33.) Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act altering the time for holding the County Court in the County of Windham," reported the same, without amendment, with the opinion of the Committee that it ought to pass.

Mr. Howe moved to amend the bill, by striking out Section 3, which provides that the act shall take effect from its passage.

And, on motion of Mr. J. Barrett, the bill and amendment proposed were

*Ordered*, To lie on the table.

Mr. Woodbridge, from the same Committee, to whom was referred the petition of Oliver Beckwith and others, praying for a change of the name of Seymour L. Stafford, reported favorably to the prayer of the petitioners, and moved that the petitioners have leave to bring in a bill.

And the motion was adopted.

Mr. Hodges, from the Committee on Claims, to whom was referred the petition of William Rounds for payment for military services, asked that the Committee be discharged from further consideration, and that the petitioner have leave to withdraw his petition.

And it was so ordered.

The Senate took up the resolution from the House of Representatives directing the Auditor of Accounts to audit the account of the Secretary of State for comparing, correcting, and completing the Record of Revolutionary Services, and the Index thereto.

And it was read, and on motion of Mr. J. Barrett, referred to the Committee on Claims.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs :

MR. PRESIDENT :—I am directed to announce to the Senate that the Governor has this day approved and signed the bill (S. 14.) entitled “ An act to alter the name of Windsor County Bank.”

(S. 23.) Mr. Billings called up, for the consideration of the Senate, the bill on the table entitled “ An act in addition to Chapter 74 of the Revised Statutes, entitled ‘ Of Pedlers.’ ”

And, on motion of Mr. J. Barrett, it was again  
*Ordered*, To lie upon the table.

The following communication was received from the Governor, by the hands of Mr. Beaman, Secretary of Civil and Military Affairs: [See Appendix.]

The documents accompanying the foregoing communication, and mentioned therein, were referred to the Joint Committee under the 5th Joint Rule of the two Houses.

(S. 28.) The Senate took up the engrossed bill entitled “ An act in amendment of Chapter 107 of the Revised Statutes, entitled ‘ Of salaries and fees.’ ”

And it was read the third time, and,  
On motion of Mr. Smith,  
*Ordered*, To lie upon the table.

(S. 27.) The Senate took up the engrossed bill, entitled “ An act in addition to Chapter 18 of the Revised Statutes, entitled ‘ Of Common Schools.’ ”

And it was read the third time and passed.

On motion of Mr. Morgan,  
The Senate adjourned.

## AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The Governor has announced to the House of Representatives that he has this day approved and signed the following entitled bills :

(H. 10.) “ An act relating to Fire Engine Companies.”

(H. 16.) “ An act providing for an additional session of the Supreme Court in Windsor County.”

(H. 24.) “ An act establishing the boundary line between the towns of Enosburgh and Bakersfield.” And

(H. 34.) “ An act in addition to an act in amendment of Chapter 18 of the Revised Statutes, entitled ‘ Of Common Schools,’ approved Oct. 30, 1844.”

The House have considered the resolution of the Senate providing for a meeting of the Joint Assembly to elect Judges of the Supreme Court, and have resolved to pass the same with an amendment; and have passed bills of the following titles :

(H. 44.) "An act constituting Adelia Sophia Barber an heir at law of Ephraim Griswold." And

(H. 50.) "An act annexing Wood's Island to the town of St. Albans." In which amendment and bills they request the concurrence of the Senate.

(S. 18.) The House concur with the Senate in passing the bill entitled, "An act in addition to Chapter 25 of the Revised Statutes, entitled, 'Of Supreme and County Courts.' "

The Senate considered the amendment of the House to the resolution providing for a Joint Assembly to elect Judges of the Supreme Court, which is to strike out the word "*Wednesday*," and insert, in lieu thereof, the word "***Friday***."

And the amendment was adopted.

House bills No. 44 and No. 50 were severally read the first and second times, and referred to the Committee on the Judiciary.

(S. 28.) Mr. Richardson called up the engrossed bill, entitled "An act in amendment of Chapter 107 of the Revised Statutes, entitled 'Of Salaries and Fees.'"

Mr. Smith moved that the bill be committed to a Senator to make the following specific amendments, viz.:

Strike out the words "one dollar," where it first occurs, and insert the words "fifty cents;" and strike out the words "two dollars," and insert the words "one dollar and fifty cents."

Mr. J. Barrett called for a division of the question on this motion.

And the question then being, Will the Senate commit the bill for the purpose of having the words "one dollar" stricken out, and the words "fifty cents" inserted?

It was decided in the affirmative : { Yeas 20.  
Nays 8.

The yeas and nays, being demanded by Mr. J. Barrett, were as follows:

Those Senators who voted in the affirmative are Messrs. T. T. Barrett, Bellows, Bemis, Billings, Bradley, Brownell, Button, Campbell, Clapp, Howe, Hurd, Ladd, Marshall, Rich, Richardson, Sabin, Sias, Smith, Winn, and Woodbridge.

Those Senators who voted in the negative are Messrs. J. Barrett, Chittenden, Fifield, Hodges, Morgan, Noyes, Onion, and Simonds.

So the commitment was ordered.

The question then being on the commitment for the purpose of striking out the words "*two dollars,*" and inserting the words "*one dollar and fifty cents,*"

It was decided in the affirmative; { Yeas 24.  
{ Nays 5.

The yeas and nays, being demanded by Mr. Smith, were as follows: Those Senators who voted in the affirmative are Messrs. T. T. Barrett, Bellows, Bemis, Billings, Bradley, Brownell, Button, Campbell, Chittenden, Clapp, Fife, Howe, Hurd, Ladd, Marshall, Morgan, Richardson, Sabin, Sias, Simonds, Smith, Vilas, Winn, and Woodbridge.

Those Senators who voted in the negative are Messrs. J. Barrett, Hodges, Noyes, Onion, and Rich.

So the commitment was ordered.

And the President appointed Mr. Smith to make the amendments ordered.

Mr. Smith reported the bill so amended.

And the question then being, Shall the bill pass?

It was decided in the affirmative: { Yeas 20.  
{ Nays 10.

The yeas and nays, being demanded by Mr. Fifield, were as follows:

Those Senators who voted in the affirmative are Messrs. T. T. Barrett, Bemis, Billings, Bradley, Brownell, Button, Clapp, Howe, Hurd, Ladd, Marshall, Onion, Page, Rich, Richardson, Sabin, Sias, Simonds, Smith, and Woodbridge.

Those Senators who voted in the negative are Messrs. J. Barrett, Bellows, Campbell, Chittenden, Fifield, Hodges, Morgan, Noyes, Vilas, and Winn.

So the bill passed.

(S. 20.) Mr. Hodges called up the bill on the table entitled "An act to establish a Hospital at Castleton."

And this question pending being the motion of Mr. Vilas to amend the bill by adding thereto a section giving future Legislatures control of the act.

**It was decided in the affirmative.**

So the amendment was adopted.

And the bill, as amended, was

**Ordered**, To be engrossed and read the third time.

(S. 23.) Mr. J. Barrett called up the bill on the table, entitled "An act in addition to Chapter 74 of the Revised Statutes entitled 'Of Pedlars,'" and moved to amend the same by striking out from Section 2 in 1st line, the words "neglect or," and wherever it occurs in said Section.

And the amendment was adopted.

Mr. J. Barrett moved further to amend the bill, by inserting in Section 3, after the words "fifty cents," the words "and ten cents per mile for his necessary travel in making said requirement."

And, pending this motion,

Mr. Vilas moved that the bill be indefinitely postponed.

And the question was decided in the negative : { Years 8.  
N. 22

The yeas and nays, being demanded by Mr. J. Barrett, were as follows:

follows : Those Senators who voted in the affirmative are Messrs. Billings, Clark, Marshall, Morgan, Pease, Richardson, Smith and Viles.

Those Senators who voted in the negative are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Bradley, Brownell, Button, Campbell, Chittenden, Fifield, Hodges, Howe, Hunt, Ladd, Nason, O'Brien,

Hittenden, Fifield, Hodgkin, Sims, Siward, Williams

Sabin, Sias, Simonds, Winh, and Woodbridge.  
So the motion was lost.

The question then recurring on  
second as stated.

It was decided in the affirmative.

Mr. J. Barrett moved further to amend the bill by striking out, from Section 6, in the 5th line, the word "*not*," and inserting the words

And the question being taken,  
The amendment was adopted.  
And the bill, as amended, was  
*Ordered*, To be engrossed and read the third time.

(S. 31.) Mr. Chittenden, on leave granted on the petition of Oliver Beckwith and others, introduced a bill entitled "An act altering the name of Seymour L. Stafford."

And it was read the first and second times, and  
*Ordered*, To be engrossed and read the third time.

(H. 33.) Mr. Campbell called up the bill on the table entitled "An act altering the times for holding the County Court of the County of Windham."

And the question being on the amendment moved by Mr. Campbell, to strike out Section 3, the said amendment was, by unanimous consent, withdrawn.

And the bill was  
*Ordered*, To be read the third time.  
And it was, thereupon, read the third time and passed in concurrence.

On motion of Mr. J. Barrett,  
The Senate adjourned.

## THURSDAY, OCTOBER 23, 1845.

Prayer by the Rev. Mr. Sutherland.

The journal of yesterday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT :—The House of Representatives have considered the bill (S. 7) entitled "An act in addition to Chapter 28 of the Revised Statutes," and resolved *not* to pass the same.

The House concur with the Senate, and adopt the preamble and resolutions relative to the four brass cannon taken from the British at Bennington in 1777.

(H. 47.) The House have passed a bill entitled "An act in addition to an act 'For the relief of the Insane Poor,' approved Oct. 30, 1844," in which they request the concurrence of the Senate.

The following communication was received from the Governor, by the hands of Mr. Beaman, Secretary of Civil and Military Affairs :

To the Senate:

I have the honor to inform the Senate, that John Reynold declines to accept the office of Sheriff of the County of Grand Isle,

to which he has been elected by the Joint Assembly for the ensuing political year.

WILLIAM SLADE.

EXECUTIVE CHAMBER, {  
October 23, 1845. }

On motion of Mr. Sabin,  
(S. 22.) The Senate took up the bill on the table, entitled "An act relating to Common Schools."

And the Senate proceeded, on the demand of Mr. Hodges, to consider the same as in Committee of the Whole.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have considered the resolution from the Senate directing the Librarian to purchase fifty copies of Washburn's Digest of the Decisions of the Supreme Court, and have resolved to pass the same in concurrence.

(H. 47.) The House bill No. 47 was read the first and second times, and referred to the Committee on Finance.

The communication of the Governor, relative to the Sheriff of Grand Isle County, was read and referred to the Senator from Grand Isle County.

On motion of Mr. Hodges,  
The Senate adjourned.

## AFTERNOON.

The following engrossed bills were severally read the third time, and passed, to wit:

(S. 17.) "An act to restore John W. Staples to his legal privileges."  
(S. 31.) "An act altering the name of Seymour L. Stafford."  
(S. 20.) "An act to establish a Hospital at Castleton." And  
(S. 23.) "An act in addition to Chapter 74 of the Revised Statutes, entitled 'Of Pedlers.'"

(S. 29.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in addition to Chapter 24 of the Revised Statutes, entitled 'Of the Supreme and County Courts,'" reported the same with the following proposal of amendment, to wit:

Strike out from the title of the bill, the word "four," and insert the word "five;" and strike out Section 1 of the bill, and insert the following in lieu thereof: Section 1. *No Judge of the Supreme Court who shall have acted in the trial of any cause in the County Court, or as Chancellor, shall sit as Judge in the Supreme Court in the hearing, or have any voice in deciding any question arising on the aforesaid trial of said cause, and brought before said Supreme Court by exception, appeal, or otherwise;*" and, thus amended, the Committee recommend the passage of the bill.

And the said amendments were adopted.

And the bill, as amended,

On motion of Mr. T. T. Barrett, was  
*Ordered*, To lie upon the table.

(S. 5.) Mr. Hurd, from the Committee on Claims, to whom was referred the bill entitled "An act authorizing the Treasurer to pay Richard F. Abbott the sum therein mentioned," requested that the Committee be discharged from the further consideration thereof.

The request was granted, and the Committee discharged, and the bill

*Ordered*, To lie upon the table.

(H. 39.) Mr. Winn, from the Committee on Manufactures, to whom was referred the House bill, entitled "An act to repeal the laws giving a bounty on silk," reported the same, without amendment, with the opinion of the Committee that it ought to pass.

And, on motion of Mr. Chittenden, it was

*Ordered*, To lie upon the table.

(H. 47.) Mr. Rich, from the Committee on Finance, to whom was referred the House bill entitled "An act in addition to 'An act for the relief of the Insane Poor,' approved Oct. 30, 1844," reported the same, without amendment, with the opinion that it ought to pass.

And, on motion of Mr. J. Barrett, the bill was

*Ordered*, To lie upon the table.

(S. 24.) Mr. Chittenden, from the Committee on Roads and Canals, to whom was referred the bill entitled "An act relating to the laying out of highways, in addition to Chapter 20 of the Revised Statutes," reported the same without amendment, and recommended the passage thereof.

And it was

*Ordered*, To be engrossed and read the third time.

Mr. Sabin, from the Committee on Education, to whom was referred the Report of the Commissioners appointed to examine the condition of the University of Vermont, reported the following resolution, and recommended the passage thereof:

*Resolved*, by the Senate and House of Representatives, That the note signed by George W. Benedict, Heman Allen, Charles Adams, William A. Griswold, William I. Seymour, and William Warner, for the sum of three thousand and eighteen dollars and seventy-eight cents, for the benefit of the University of Vermont, under date of Dec. 17, 1843, and payable to the Commissioner of the School Fund, be, and hereby is, cancelled; and that the Commissioner be, and he hereby is, directed to surrender the same.

And it was read, and,

On motion of Mr. Smith,

*Ordered*, To lie upon the table.

(S. 26.) Mr. Smith, from the Committee on Education, to whom was referred the bill entitled "An act to distribute to the several towns, for the support of Common Schools, the income of the State School

Fund," reported the same, without amendment, and recommended the passage thereof.

And, on motion of Mr. Hodges, it was  
*Ordered*, To lie upon the table.

(H. 6.) Mr. Chittenden, from the Committee on Roads and Canals, to whom was referred the House bill entitled "An act to facilitate the rendering of Turnpike Roads, free roads, reported the same, without amendment, and recommended the passage thereof.

And, on motion of Mr. J. Barrett, it was  
*Ordered*, To lie upon the table.

(H. 4.) Mr. Winn, from the Committee on Manufactures, to whom was referred the House bill entitled "An act to incorporate the Winooski Mill Company," reported the same, with the opinion that it ought *not to pass*.

Mr. Richardson moved to amend the bill, by inserting an additional section, subjecting the act to the provisions of Chapter 79 of the Revised Statutes, entitled "Of Private Corporations."

And it was so ordered.

And the bill, as amended, was  
*Ordered*, To be read the third time.

And it was, thereupon, read the third time and passed in concurrence.

(S. 23.) The Senate resumed the consideration, as in Committee of the Whole, of the bill entitled "An act relating to Common Schools."

And without reporting thereon,

On motion of Mr. T. T. Barrett,  
The Senate adjourned.

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FRIDAY, OCTOBER 24, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 32.) Mr. J. Barrett introduced a bill entitled "An act to establish the Green Mountain Hospital at Woodstock."

And it was read the first and second times, and referred to the Committee on Education.

(H. 37.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act for the relief of Patrick O'Flanagan," reported the same, with the opinion of the Committee that it ought *not to pass*.

And the third reading thereof was refused.

Mr. Vilas, from the same Committee, to whom was referred the petition of William Herrick stated on the journal of the 15th instant, reported adversely to the prayer thereof, and moved that the petitioner have leave to withdraw his petition.

And it was so ordered.

(S. 33.) Mr. Smith introduced a bill entitled "An act altering the name of Howard Parker Johnson."

And it was read the first and second times, and referred to the Committee on the Judiciary.

(H. 4.) Mr. Morgan moved a reconsideration of the vote by which the House bill entitled "An act to incorporate the Winooski Mill Company," was passed.

And it was so ordered.

And, on motion of Mr. Winn, the bill was

*Ordered*, To lie upon the table.

(S. 21.) Mr. Richardson, from the Committee on Manufactures, to whom was referred the bill entitled "An act to amend the Charter of the Burlington Mill Company," reported the same, with a proposal to amend by inserting a proviso, placing the act under the control of future Legislatures: and thus amended, the Committee recommended the passage of the bill.

And the amendment was adopted.

And the bill, as amended, was

*Ordered*, To be engrossed and read the third time.

The hour designated by a concurrent resolution of the two Houses for a meeting of the Joint Assembly to elect Judges of the Supreme Court, having arrived, the Senate repaired to the Hall of the House of Representatives.

And, having returned therefrom,

(S. 24.) The engrossed bill entitled "An act relating to the laying out of highways, in addition to Chapter 20 of the Revised Statutes," was taken up, and it was read the third time and passed.

(S. 22.) The Senate, as in Committee of the Whole, resumed the consideration of the bill entitled "An act relating to Common Schools."

And having made progress therein, reported the same with the following amendments:

1<sup>st</sup> Amendment. Section 1. Erase the words "*a superintendent*," and insert the words "*one, or more, superintendents*," and insert the words "*not more than three*," after the words "*Common Schools*."

And the question being taken, this amendment was adopted.

2<sup>d</sup> Amendment. Section 3. Erase the last clause of this Section making the Secretary of State, ex officio, Superintendent, and insert, after the words "*Common Schools*" the words "*who shall be annually appointed by the Joint Assembly*."

And the question being taken, this amendment was adopted.

3<sup>d</sup> Amendment. Section 9. Fill the blank with the words "*two hundred*."

Mr. Noyes moved to fill the blank with the words "*three hundred*."

And, the question being taken, it was decided in the negative.

And the question recurring on the proposition to fill the blank with the words "two hundred," it was decided in the affirmative.

So the 3d amendment was adopted.

*4th Amendment.* Section 10. Fill the first blank with the words "two dollars," and the second blank with the words "two hundred," and insert, after the word "duties," in the 2d line, the words "including expenses."

And the question being taken, these amendments were severally adopted.

*5th Amendment.* Add to the bill as follows:

"Section 13. This act shall take effect from and after its passage."

And the question being taken, this amendment was adopted.

Mr. Sabin moved further to amend the bill by inserting after the words "made to him," in the 32d line of Section 5, as follows:

"Any person may, at any time, propose himself, or herself, to the County Superintendent of the County in which said person may reside, for examination, and a certificate so obtained shall be evidence of his, or her, qualification in said County."

And the question being taken, this amendment was adopted.

The question then being, Shall the bill be engrossed and read the third time?

On motion of Mr. J. Barrett, it was,  
Ordered, To lie upon the table.

On motion of Mr. Onion,  
The Senate adjourned.

## AFTERNOON.

(S. 29.) The Senate took up the bill on the table, entitled "An act in addition to Chapter 24 of the Revised Statutes, entitled 'Of the Supreme and County Courts.'"

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative: { Yeas, 7.  
{ Nays, 21.

The yeas and nays, being demanded by Mr. T. T. Barrett, were as follows:

Those Senators who voted in the affirmative, are Messrs. J. Barrett, Bemis, Billings, Bradley, Page, Vilas, and Woodbridge.

Those Senators who voted in the negative, are Messrs. T. T. Barrett, Bellows, Brownell, Button, Campbell, Chittenden, Clapp, Fifield, Hodges, Howe, Hurd, Ladd, Marshall, Morgan, Noyes, Richardson, Sabin, Sias, Simonds, Smith, and Winn.

So the third reading of the bill was refused.

(H. 39.) The Senate took up the House bill on the table, entitled "An act to repeal the laws giving a bounty on silk."

And the question being, Shall the bill be read the third time?

It was, on motion of Mr. Chittenden,  
Ordered, To be recommitted to the Committee on Manufactures.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives concur with the Senate, in passing the bill (S. 27) entitled "An act in addition to Chapter 18 of the Revised Statutes, entitled 'Of Common Schools.' "

They have passed bills of the following titles :

(H. 2.) "An act laying a tax on the County of Chittenden."

(H. 17.) "An act to pay Sewall Fullam the sum therein mentioned."

(H. 77.) "An act providing for the payment of the debts against the State Prison."

(H. 75.) "An act to commute the punishment of Eugene Clifford."

(H. 76.) "An act for the relief of Insane prisoners in the State Prison." And

(H. 78.) "An act relating to the sale of the old State Prison."

In which bills they request the concurrence of the Senate.

(H. 47.) Mr. J. Barrett called up the House bill on the table, entitled "An act in addition to 'An act for the relief of the Insane Poor,' approved Oct. 30, 1844."

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time.

And the question being, Shall the bill pass?

It was decided in the affirmative : } Yeas, 27.  
} Nays, 2.

The yeas and nays, being demanded by Mr. J. Barrett, were as follows :

Those Senators who voted in the affirmative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Billings, Bradley, Button, Campbell, Clapp, Fifield, Hodges, Howe, Hurd, Ladd, Marshall, Morgan, Noyes, Onion, Page, Richardson, Sabin, Sias, Simonds, Smith, Vilas, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. Brownell, and Chittenden.

So the bill passed.

The hour to which the Joint Assembly for the appointment of County Officers was adjourned, having arrived, the Senate repaired to the hall of the House of Representatives.

And, having returned therefrom,

The following House bills were severally read the first and second times, and referred as follows :

(H. 2.) House bill No. 2, to the Senators from the County of Chittenden.

(H. 17.) House bill No. 17, to the Committee on Claims.

(H. 75.) House bill No. 75, to the Committee on the Judiciary.

(H. 76.) House bill No. 76, to the Committee on Education.

(H. 77.) House bill No. 77, and

(H. 78.) House bill No. 78, to the Committee on Finance.

(H. 4.) Mr. J. Barrett called up the House bill on the table, entitled "An act to incorporate the Winooski Mill Company."

(H. 34.) Mr. Sabin, from the Committee on Education, to whom was referred the bill from the House of Representatives entitled "An act in addition to an act in amendment of Chapter 18 of the Revised Statutes, entitled 'Of Common Schools,' approved Oct. 30, 1844," reported the same without amendment, with the opinion that it ought to pass; and it was

*Ordered*, To be read the third time.

And the said bill was thereupon read the third time and passed in concurrence.

(S. 17.) Mr. Vilas introduced a bill entitled "An act to restore John W. Staples to his legal privileges."

And it was read the first and second times, and referred to the committee on the Judiciary.

(S. 18.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the petition of Hiland Hall on the subject of Variances between the declaration and the proof in judicial proceedings, reported a bill entitled "An act in addition to Chapter 25 of the Revised Statutes, entitled 'Of the Supreme and County Courts.' "

And it was read the first and second times, and

*Ordered*, To be engrossed and read the third time.

(S. 10.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the bill entitled "An act to repeal the 19th Section of Chapter 97 of the Revised Statutes—'Of offences against public justice,'" reported the same, with the opinion that it ought *not* to pass.

And the third reading thereof was refused.

(S. 4.) Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred the bill entitled "An act relating to Attorneys at Law," reported the same with the proposal to amend as follows:

Insert after the word "*money*" in the 13th line of the first page, the word "*hereafter*"; and after the word "*execution*," in the 23d line, insert the words, "*Unless the Court shall be satisfied that the failure of such Attorney to pay over the money so collected shall have been occasioned by accident and without the fault of said Attorney;*" and erase the words "*judgment and*" in the 24th line, and insert, after the word "*execution*" in the same line, the words "*with such endorsement thereon.*"

And, thus amended, the Committee recommended the passage of the bill.

And the said amendments were severally adopted, and the bill

*Ordered*, To be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for a Joint Committee to ascertain and adjust the boundary line between the Counties of Windham and Bennington, in which they request the concurrence of the Senate.

Mr. Sias requested leave of absence from the Senate until Monday next at 2 o'clock, P. M.

And the leave asked was granted.

(S. 10.) On motion of Mr. Billings, the vote was reconsidered by which the third reading of the bill entitled "An act to repeal the 19th

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Section of Chapter 97 of the Revised Statutes, 'Of offences against public justice,' was refused.

And, on motion of Mr. Billings, the said bill was  
Ordered, To lie upon the table.

The Senate considered the resolution from the House of Representatives providing for a Joint Select Committee to consist of the Senators of Bennington and Windham Counties, and of three members of the House from each of said Counties, to inquire into the expediency of providing by law for ascertaining the boundary line between said Counties.

And it was read and passed in concurrence.

On motion of Mr. Smith,  
The Senate adjourned.

#### AFTERNOON.

(S. 2.) Mr. Bradley from the Committee on Banks, to whom was re-committed the bill entitled "An act to incorporate the Bennington County Bank," reported the same, with the proposal so to amend the same, that the Capital Stock shall be one hundred thousand dollars, instead of fifty thousand, the shares four thousand, instead of two thousand, and the number of the Directors seven, instead of five.

And the amendments proposed were adopted, and the bill, as amended, was

Ordered, To be engrossed and read the third time.

(H. 20.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the House bill entitled, "An act relating to inquests on the dead," reported the same with the opinion that it ought *not* to pass.

And the third reading thereof was refused.

(S. 9.) Mr. Woodbridge from the same Committee, to whom was referred the bill entitled "An act in alteration of Chapter 15 of the Revised Statutes, entitled 'Of the settlement of Paupers,'" reported the same with the opinion that it ought *not* to pass.

And, on motion of Mr. Richardson, the said bill was dismissed.

The Senate took up the following engrossed bills:

(S. 7.) "An act in addition to Chapter 28 of the Revised Statutes."

And

(S. 18.) "An act in addition to Chapter 25 of the Revised Statutes, entitled 'Of the Supreme and County Courts.'"

And the said engrossed bills were severally read the third time and passed.

(S. 19.) Mr. Winn introduced a bill entitled "An act in addition to Chapter 28 of the Revised Statutes, relating to the attachment of personal property."

And it was read the first and second times, and referred to the Committee on the Judiciary.

And the question being, Shall the bill pass?

It was decided in the affirmative: { Yeas, 23.

{ Nays, 4.

The yeas and nays, being demanded by Mr. Morgan, were as follows:

Those Senators who voted in the affirmative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Billings, Brownell, Button, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Marshall, Morgan, Noyes, Onion, Richardson, Sabin, Sias, Simonds, Smith, and Woodbridge.

Those Senators who voted in the negative, are Messrs. Fifield, Page, Vilas, and Winn.

So the bill passed in concurrence.

Mr. Onion, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, a resolution authorizing the Librarian to purchase fifty copies of Washburn's Digest of the Decisions of the Supreme Court; and bills of the following titles:

(S. 6.) "An act in addition to 'an act incorporating the Village of Woodstock,' passed Oct. 11, 1836."

(S. 18.) "An act in addition to Chapter 25 of the Revised Statutes, entitled 'Of the Supreme and County Courts.'" And

(H. 45.) "An act in addition to an act entitled 'an act to encourage and promote Agriculture.'"

(S. 32.) Mr. Sabin, from the Committee on Education, to whom was referred the bill entitled "An act to establish the Green Mountain Hospital at Woodstock," reported the same without amendment, and recommended the passage thereof.

And, on motion of Mr. J. Barrett, it was

Ordered, To lie upon the table.

(S. 34.) Mr. Hodges introduced a bill entitled "An act to pay William Rounds, Jr., the sum therein mentioned."

And it was read the first and second times, and,

On motion of Mr. J. Barrett,

Referred to the Committee on Claims.

(H. 33.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the bill entitled "An act altering the name of Howard Parker Johnson," reported the same, without amendment, and recommended the passage thereof.

And it was

Ordered, To be engrossed and read the third time.

On motion of Mr. Vilas,

The Senate adjourned.

SATURDAY, OCTOBER 25, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 35.) Mr. Rich, from the Committee on Finance, to whom was referred the resolution relative to the expediency of altering the laws respecting the administration of the affairs of the State Prison, stated on the journal of the 14th instant, submitted the following Report, which, with the accompanying bill, was read, and,

On motion of Mr. J. Barrett,

*Ordered*, To lie upon the table, and the Secretary was directed to procure 300 copies of the Report, inclusive of the bill, to be printed for the use of the Senate.

The Report is as follows: [See Appendix.]

(S. 36.) Mr. Marshall introduced a bill entitled "An act to provide for the assessment and collection of taxes on non-resident lands."

And it was read the first and second times, and referred to the Committee on Land Taxes.

(H. 2.) Mr. Onion, from the Select Committee consisting of the Senators for Chittenden County, to whom was referred the House bill entitled "An act laying a tax on the County of Chittenden," reported the same without amendment, and recommended the passage thereof.

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(H. 50.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act annexing Wood's Island to the town of St. Albans," reported the same without amendment, and recommended the passage thereof.

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(H. 44.) Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act constituting Adelia Sophia Barber an heir at law of Ephraim Griswold," reported the same without amendment, and recommended the passage thereof.

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

Mr. Noyes from the Committee on Claims, to whom was referred the resolution from the House of Representatives directing the Auditor of Accounts to audit the Account of the Secretary of State for compar-

ing and completing Records of Revolutionary Services, reported the same with the opinion that it ought to pass.

And it was, thereupon, passed in concurrence.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs :

Mr. PRESIDENT :—I am directed by the Governor to announce to the Senate that he has this day approved and signed bills of the following titles :

(S. 6.) "An Act in addition to an act incorporating the Village of Woodstock, passed Oct. 11th 1836."

(S. 18.) "An Act, in addition to Chapter 25 of the Revised Statutes, entitled 'Of the Supreme and County Courts.'"

Also,

A resolution of the following title :

"A Resolution authorizing the Librarian to purchase fifty copies of Washburn's Digest."

The following communication was received from the Governor, by the hands of Mr. Beaman, Secretary of Civil and Military Affairs, and read.

To the Senate :

I have the honor to inform the Senate that Timothy Follett declines to accept the office of third Assistant Judge of the Supreme Court of this State, to which he has been elected by the Joint Assembly, for the ensuing political year.

WILLIAM SLADE.

EXECUTIVE CHAMBER, }

Oct. 25, 1845. }

Mr. Vilas presented the following resolution, which was read and passed :

*Resolved*, by the Senate and House of Representatives, That both Houses meet in Joint Assembly on Tuesday next, at 10 o'clock A. M. to elect a third Assistant Judge of the Supreme Court of this State in the place of Hon. Timothy Follett, who declines the office.

(S. 25.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the bill entitled "An act for the relief of Creditors," reported the same without amendment, and recommended the passage thereof.

And, on motion of Mr. Smith, it was

*Ordered*, To lie upon the table.

(S. 32.) Mr. J. Barrett called up the bill on the table, entitled "An act to establish the Green Mountain Hospital at Woodstock."

And it was

*Ordered*, To be engrossed and read the third time.

(H. 6.) The Senate took up the House bill on the table, entitled "An act to facilitate the rendering of Turnpike Roads, free roads."

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

The following communication was received from the Governor, by

Mr. Beaman, Secretary of Civil and Military Affairs, and read, and referred to the Senators from Orange County.

*To the Senate:*

I have the honor to inform the Senate, that Amos S. Little declines to accept the office of High Bailiff for the County of Orange, to which he has been elected by the Joint Assembly, for the ensuing political year.

WILLIAM SLADE.

EXECUTIVE CHAMBER, }  
Oct. 25, 1845: }

(H. 63.) Mr. Marshall, from the Committee on Roads and Canals, to whom was referred the House bill entitled "An act granting to George Niles the exclusive right of keeping a Ferry," reported the same, with the opinion of the Committee that it ought *not* to pass.

And, the question being taken,  
The third reading was refused.

The Senate took up the resolution on the table reported by the Committee on Education, and spread upon the journal of the 23d instant, directing the Commissioner of the School Fund to surrender to the signers a note drawn by certain agents of the University of Vermont, and payable to said Commissioner.

Mr. Vilas moved that the said resolution be re-committed to the Committee on Education.

And it was so ordered.

Mr. Onion, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles:

(H. 33.) "An act altering the times for holding the County Court in the County of Windham," and

(S. 27.) "An act in addition to Chapter 18 of the Revised Statutes, entitled 'Of Common Schools.' "

On motion of Mr. Richardson, it was

*Ordered,* That when the Senate adjourn, it adjourn to meet on Monday morning next.

On motion of Mr. Onion,  
The Senate adjourned.

MONDAY, OCTOBER 27, 1845.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

Mr. Noyes presented the following resolution, which was read and passed.

*Resolved, by the Senate and House of Representatives,* That both Houses meet in Joint Assembly, on Tuesday next, at 10 o'clock in the forenoon, for the purpose of electing a Commissioner of the Vermont Asylum for Insane persons.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs :

MR. PRESIDENT :—I am directed by the Governor to announce to the Senate that he has this day approved and signed the bill entitled

(S. 27.) “An act in addition to Chapter 18 of the Revised Statutes, entitled ‘Of Common Schools.’”

The Senate took up the following engrossed bills :

(S. 21.) “An act to amend the charter of the Burlington Mill Company.”

And

(S. 33.) “An act altering the name of Howard Parker Johnson.”

And these bills were severally read the third time and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The Governor has announced to the House of Representatives that he did, on the 25th instant, approve and sign the bill (H. 45) entitled “An act in addition to an act entitled ‘An act to encourage and promote Agriculture,’” and that he has, this day, approved and signed the bill (H. 33) entitled “An act altering the times for holding the County Court in the County of Windham.”

(H. 9.) The House of Representatives have passed a bill entitled “An act to incorporate the Bank of Brandon,” in which they request the concurrence of the Senate.

(S. 25.) Mr. Smith called up the bill on the table entitled “An act for the relief of Creditors.”

And, on his motion, it was amended by striking out, from the second line of Section 1, the words “two hundred,” and inserting the word “fifty.”

And, thus amended, the bill was

Ordered, To be engrossed and read the third time.

(H. 9.) House bill No. 9 was read the first and second times, and referred to the Committee on Banks.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a resolution providing for a meeting of the Joint Assembly to elect a Superin-

tendent, Directors, and a Chaplain of the State Prison, and a Commissioner of the Insane Hospital, in which they request the concurrence of the Senate.

(S. 20.) The House have considered the bill entitled "An act to establish a Hospital at Castleton," and a resolution from the Senate providing for a meeting of the Joint Assembly to complete the election of Judges of the Supreme Court, and have resolved to pass the same in concurrence.

The Senate proceeded to consider the resolution from the House of Representatives providing for a meeting of the Joint Assembly, on Tuesday next at 10 o'clock, A. M., to elect a Superintendent, Directors, and a Chaplain of the State Prison, and also a Commissioner for the Asylum for the Insane, and

*Resolved*, To pass the same in concurrence.

(S. 22.) Mr. J. Barrett called up the bill on the table entitled "An act relating to Common Schools," and moved to amend the same by striking out, from Section 2, the provision which directs the appointment of County Superintendents by the Judges of the County Courts respectively, and inserting a provision as follows: "*Who shall be appointed annually by the Joint Assembly in the manner provided for the election of other County Officers.*"

And, the question being taken, this amendment was adopted.

Mr. Smith moved further to amend the bill, by striking out, from the same Section, the words "*thirty-first day of December,*" and inserting the words "*thirtieth day of November.*"

And, the question being taken, this amendment was adopted.

Mr. Sabin moved to amend Section 10 of the bill, by striking out the words "*in any one year shall not exceed two hundred dollars for any County Superintendent,*" and inserting, in lieu thereof, the words "*to any County Superintendent shall not exceed ten dollars for each town in the County in which he shall have served.*"

Mr. Rich moved to amend this amendment by inserting the word "*twelve,*" in lieu of the word "*ten.*"

And, the question being taken, the amendment to the amendment was rejected.

The question recurring on the original amendment of Mr. Sabin, it was adopted.

Mr. Hodges moved further to amend the bill, by striking out, from Section 8, in line 6, the word "*close,*" and insert the word "*commencement,*" in lieu thereof.

And, the question being taken, this amendment was adopted.

And the bill, as amended, was thereupon

*Ordered*, To be engrossed and read the third time.

(S. 37.) Mr. J. Barrett introduced a bill entitled "An act in relation to the use of Fire Arms in Villages."

And it was read the first and second times, and referred to the Committee on the Judiciary.

On motion of Mr. Woodbridge,  
The Senate adjourned.

## AFTERNOON.

(S. 34.) Mr. Hodges, from the Committee on Claims, to whom was referred the bill entitled "An act to pay William Rounds, Jr. the sum therein mentioned," reported the same with the opinion that it ought to pass.

On motion of Mr. J. Barrett, certain verbal amendments to the bill were adopted, and the bill was, thereupon,

*Ordered*, To be engrossed and read the third time.

(H. 39.) Mr. Winn, from the Committee on Manufactures, to whom was re-committed the House bill entitled "An act to repeal the laws giving a bounty on silk," reported the same, without amendment, with the opinion that it ought to pass.

And the question being, Shall the bill be read the third time?

It was decided in the affirmative.

And the bill was, thereupon, read the third time, and passed in concurrence.

(S. 5.) Mr. Smith called up the bill on the table, entitled "An act directing the Treasurer to pay Richard F. Abbott the sum therein mentioned."

And, on his motion, it was re-committed to the Committee on Claims.

(S. 35.) The Senate took up the bill on the table, reported by the Committee on Finance, entitled "An act in amendment of an act entitled 'An act in relation to the State Prison,' approved Nov. 10, 1841."

And, on the demand of Mr. J. Barrett, proceeded to consider the same as in Committee of the whole.

And progress having been made therein, the bill was reported to the Senate with the following proposals to amend:

1st. Strike out the word "prisoners," wherever it occurs in the bill, and insert, in lieu thereof, the word "convicts."

2d. Insert after the word "prison," in section 1, the words "in the same manner as is provided in said act."

And these amendments were severally adopted.

And the bill, as amended, was

*Ordered*, To be engrossed and read the third time.

(S. 26.) The Senate took up the bill on the table, entitled "An act to distribute to the several towns, for the support of Common Schools, the income of the State School Fund."

And, on motion of Mr. J. Barrett, it was

*Ordered*, To lie upon the table, and be the special order for Wednesday morning the 29th instant.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have considered the amendment of the Senate to the bill (H. 4) entitled "An act to incorporate the Winooski Mill Company," and have resolved to pass the same in concurrence.

(H. 17.) Mr. Hurd, from the Committee on Claims, to whom was referred the House bill entitled "An act to pay Sewall Fullam the sum therein mentioned," reported the same with the proposal to amend by striking out the words "twenty-seven dollars," and inserting, in lieu thereof, the words "thirteen dollars and fifty cents;" and, thus amended, they recommended the passage of the bill.

And, the question being taken, the amendment was adopted.

Mr. Hodges moved further to amend the bill, by striking out all after the word "services," and inserting the words "*as a witness before a Committee of the House and of the Senate at the Session of 1842.*"

And, the question being taken, this amendment was adopted.

And the bill, as amended, was

*Ordered*; To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed bills of the following titles:

(H. 97.) "An act to pay William Slade the sum therein mentioned."

(H. 69.) "An act to repeal Section 38 of Chapter 18 of the Revised Statutes, relating to Common Schools."

And

(H. 79.) "An act relating to suits for fraudulent conveyances."

In which bills they request the concurrence of the Senate.

(S. 25.) The engrossed bill entitled "An act for the relief of Creditors," was taken up, read the third time, and passed.

The following House bills were severally read the first and second times, and referred as follows:

(H. 97.) House bill No. 97, to the Committee on Claims.

(H. 79.) House bill No. 79 to the Committee on the Judiciary.

And

(H. 69.) House bill No. 69, to the Committee on Education.

On motion of Mr. Hurd,  
The Senate adjourned.

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TUESDAY, OCTOBER 28, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(H. 4.) Mr. Onion, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, the bill entitled "An act to incorporate the Winooski Mill Company."

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT :—The House of Representatives have passed a bill (H. 84) entitled “An act extending the Charter of the Bank of Newbury,” in which they request the concurrence of the Senate.

(S. 4.) The House have considered the bill from the Senate, entitled “An act relating to Attorneys at Law,” and resolved to pass the same in concurrence.

(S. 22.) The Senate took up the engrossed bill entitled “An act relating to Common Schools.”

Mr. Vilas moved that the bill be committed to a Senator, with directions to make the following specific amendment: Strike out, from Section 2, the words “*and the said Superintendents shall hold their offices for the term of one year from and after the thirtieth day of November, in the year of their appointment.*”

And it was so ordered.

Mr. Vilas was appointed to perform this service.

And he reported the bill, amended as directed by the Senate.

And, on motion of Mr. Hodges, the bill was

Ordered, To lie upon the table.

The hour designated by a concurrent resolution of the two Houses for a meeting of the Joint Assembly, having arrived, the Senate repaired to the hall of the House of Representatives.

And, having returned therefrom,

(H. 84.) The House bill No. 84 was read the first and second times, and referred to the Committee on Banks.

On motion of Mr. Richardson,  
The Senate adjourned.

## AFTERNOON.

(S. 30.) Mr. Sabin, from the Committee on Education, to whom was referred the bill entitled “An act for the improvement of Common Schools,” reported the same, with the opinion that it ought *not* to pass.

And, the question being taken, the third reading thereof was refused.

(S. 38.) Mr. Rich, from the Committee on Finance, to whom was referred so much of the Governor’s Message as relates to “Supreme and County Court orders,” and “Clerks of Courts for the expenses of Supreme and County Courts,” reported a bill entitled “An act relating to Public Accounts.”

And it was read the first and second times, and,

On motion of Mr. Rich,  
Referred to the Committee on the Judiciary.

(H. 76.) Mr. Sabin, from the Committee on Education, to whom was referred the House bill entitled “An act for the relief of Insane Prisoners in the State Prison,” reported the same, with the proposal to amend as follows :

In the third line of Section 1, after the word "insane," insert the words "*and shall have exhibited indubitable evidence of insanity for the term of at least thirty days.*"

And, thus amended, they recommended the passage of the bill.

And the question being taken, the amendment was adopted.

And, on motion of Mr. Hodges, the bill, as amended, was

*Ordered,* To lie upon the table.

(H. 69.) Mr. Sabin, from the same Committee, to whom was referred the House bill entitled "An act to repeal Section 38 of Chapter 18 of the Revised Statutes, relating to Common Schools," reported the same, without amendment, and recommended the passage thereof.

Mr. Vilas moved to amend the bill by striking out the second Section.

And, on motion of Mr. J. Barrett, the bill and amendment proposed were

*Ordered,* To lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have passed a resolution directing the publisher of the 15th Volume of Vermont Reports to complete the Volume of Reports commenced by him in 1844, in pursuance of a Resolution of the Legislature passed in 1843; and bills of the following titles:

(H. 29) "An act extending the Charter of the Bank of Middlebury."

(H. 58.) "An act relating to public squares and commons."

(H. 80.) "An act annexing so much of Province Island as lies in this State to the town of Newport."

(H. 94.) "An act in relation to the organization of School Districts in unorganized towns and gores."

(H. 109.) "An act in addition to 'an act relating to the Grand List,' approved Nov. 11, 1841."

In which resolution and bills they request the concurrence of the Senate.

The House concur with the Senate in passing the bills entitled

(S. 21.) "An act to amend the Charter of the Burlington Mill Company." And

(S. 33.) "An act altering the name of Howard Parker Johnson."

And in the amendment of the Senate to the bill entitled

(H. 17.) "An act to pay Sewall Fullam the sum therein mentioned."

(H. 4.) The Governor has announced to the House of Representatives, that he did, on the 27th instant, approve and sign the bill entitled "An act to incorporate the Winooski Mill Company," and that he has this day approved and signed bills of the following titles:

(H. 2.) "An act laying a tax on the County of Chittenden."

(H. 6.) "An act to facilitate the rendering of Turnpike roads, free roads."

(H. 44.) "An act constituting Adelia Sophia Barber an heir at law of Ephraim Griswold."

(H. 47.) "An act, in addition to 'an act for the relief of the Insane poor' approved Oct. 30, 1844."

(H. 50.) "An act annexing Wood's Island to the town of St. Albans."

The resolution from the House of Representatives, directing the publisher of the 15th Volume of Vermont Reports to complete the Volume of Reports commenced by him in 1844, in pursuance of a resolution of the Legislature passed in 1843, by adding the cases now in the hands of the reporter, with the cases now in the hands of said publisher, and about sixty cases now in the hands of Judge Royce, and furnish the usual number for the use of the State, was read, and, on motion of Mr. T. T. Barrett, referred to the Committee on the Judiciary.

The following House bills were severally read the first and second times and referred:

- (H. 29.) House bill No. 29, to the Committee on Banks.  
(H. 80.) House bill No. 80, and  
(H. 109.) House bill No. 109, to the Committee on land Taxes.  
(H. 58.) House bill No. 58, to the Committee on the Judiciary.

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- (H. 99.) House bill No. 99, to the Committee on Education.

The following engrossed bills were severally read the third time and passed:

- (S. 34.) "An act to pay William Rounds, Jr., the sum therein mentioned." And  
(S. 35.) "An act in amendment of an act entitled 'an act in relation to the State Prison,' approved Nov. 10, 1841."

Mr. Onion, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles:

- (H. 6.) "An act to facilitate the rendering of Turnpike Roads, free Roads."

(H. 44.) "An act constituting Adelia Sophia Barber an heir at Law of Ephraim Griswold."

(H. 50.) "An act annexing Wood's Island to the town of St. Albans."

(H. 47.) "An act in addition to 'an act for the relief of the Insane poor' approved Oct. 30, 1844."

(H. 2.) "An act laying a tax on the County of Chittenden."

(S. 39.) Mr. Noyes introduced a bill entitled "An act in amendment of an act in addition to Chapter 19 of the Revised Statutes, relating to the instruction of the Deaf, Dumb and Blind, passed Nov. 12, 1842."

And it was read twice and referred to the Committee on Finance.

(S. 22.) The engrossed bill on the table entitled "An act relating to Common Schools," was taken up.

Mr. Sabin moved to commit the bill to a Senator, with directions to make the following amendment:

In Section 8, after the word "teaching," insert the words "made after the first day of March next."

And it was so ordered, and the bill committed to Mr. Sabin, who reported the same amended in pursuance of the direction of the Senate.

**And the question being, Shall the bill pass?**

The yeas and nays, being demanded by Mr. T. T. Barrett, were as follows:

Those Senators who voted in the affirmative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Billings, Bradley, Brownell, Button, Campbell, Chittenden, Clapp, Fifield, Hodges, Howe, Hurd, Ladd, Marshall, Morgan, Onion, Page, Rich, Sabin, Sias, Simonds, Smith, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. Noyes, Richardson, and Vilas.

So the bill passed.

(S. 13.) Mr. Campbell called up the bill on the table entitled "An act in amendment of Chapter 1 of the Revised Statutes, entitled 'Of Elections.'"

And, on motion of Mr. Hodges, it was

*Ordered*, To lie upon the table, and be the special order for to-morrow morning.

(H. 76.) Mr. Smith called up the House bill on the table entitled "An act for the relief of Insane Prisoners in the State Prison."

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

On motion of Mr. T. T. Barrett,  
The Senate adjourned.

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WEDNESDAY, OCTOBER 29, 1845.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

Mr. Sabin presented the following resolution, which was read and passed:

*Resolved*, That so much of the Governor's Message as relates to the communication of the American Peace Society, and to the subject of Peace, be referred to the Committee on Education.

(H. 79.) Mr. Vilas from the Committee on the Judiciary, to whom was referred the House bill entitled "An act relating to suits for fraudulent conveyances," reported the same, with the opinion that it ought not to pass.

And the question being taken, the third reading thereof was refused.

(H. 75.) Mr. Woodbridge, from the same Committee, to whom was referred the House bill entitled "An act to commute the punish-

ment of Eugene Clifford," reported the same, with the opinion that it ought *not* to pass.

And the question being taken, the third reading thereof was refused.

(H. 14.) Mr. J. Barrett, from the same Committee, to whom was referred the House bill entitled "An act to prohibit the bringing of paupers from any other State into this State," reported the same without amendment, with the opinion that it ought to pass.

And the question being, Shall the bill be read the third time?

It was decided in the affirmative.

And it was, thereupon, read the third time, and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT :—The House of Representatives have passed a resolution providing for the appointment of a Joint Committee to fix upon a day for the final adjournment of the General Assembly ; and bills of the following titles :

(H. 5.) "An act extending the Charter of the Farmers' Bank."

And

(H. 68.) "An act to incorporate the Vermont and Canada Rail Road."

In which resolution and bills they request the concurrence of the Senate.

Mr. T. T. Barrett presented the following resolution, which was read and referred, on motion of Mr. Vilas, to the Committee on Military Affairs :

*Resolved, by the Senate and House of Representatives,* That the Governor be requested, forthwith, to cause all the arms and other military property and funds belonging to the State, which are not now in the hands of the Militia or of the Quarter Master General, to be collected, repaired, and placed in the public Arsenal, or some other place of security.

(S. 40.) Mr. Smith introduced a bill entitled "An act to pay Sylvanus Ripley the sum therein mentioned."

And it was read the first and second times, and referred to the Committee on Claims.

(S. 15.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the bill entitled "An Act relating to interest of money, in addition to Chapter 72 of the Revised Statutes," reported the same with proposals of amendment, and when amended as proposed, they recommended the passage thereof.

And, on the demand of Mr. J. Barrett, the Senate proceeded to consider the bill, as in Committee of the Whole.

And progress having been made therin, the bill was reported to the Senate, with certain amendments.

And, on motion of Mr. J. Barrett, the bill and amendments were Ordered, To lie upon the table.

The following communication was received from the Governor, by the hands of Mr. Beaman, Secretary of Civil and Military Affairs, and read :

*To the Senate:*

I have the honor to transmit herewith, for the use of the General Assembly, the annual Report of the Adjutant and Inspector General.

WILLIAM SLADE.

EXECUTIVE CHAMBER, {  
Oct. 29, 1845.

The Report of the Adjutant and Inspector General, accompanying the foregoing communication, was,

On motion of Mr. Vilas,

*Ordered*, To lie upon the table, and that the Secretary procure 300 copies to be printed for the use of the Senate. [See Appendix.]

The resolution from the House of Representatives, providing for the appointment of a Joint Committee, to consist of three members of each House, to recommend a day for the final adjournment of the General Assembly, was read and passed in concurrence.

The President announced the appointment of Messrs. Hodges, Vilas, and Sabin, as such Committee on the part of the Senate.

The following House bills were severally read the first and second times, and referred :

(H. 5.) House bill No. 5, to the Committee on Banks : and

(H. 68.) House bill No. 68, to the Committee on Roads and Canals.

(H. 84.) Mr. Bradley, from the Committee on Banks, to whom was referred the House bill entitled "An act extending the Charter of the Bank of Newbury," reported the same without amendment, and recommended the passage thereof :

And, on motion of Mr. Smith, it was

*Ordered*, To lie upon the table.

Mr. Hodges presented the following resolution, which was read and passed :

*Resolved*, That a Committee be appointed to inquire and report to the Senate how much has been expended within the past four years for recording Revolutionary Pay Rolls, and any similar documents ; on what authority the same was paid out ; the importance of the Records, and whether any occasion exists for further recording the same, and any authority for so doing.

On motion of Mr. Noyes,  
The Senate adjourned.

## AFTERNOON.

(H. 77.) Mr. Rich, from the Committee on Finance, to whom was referred the House bill entitled "An act providing for the payment of the debts against the State Prison," reported the same, with the proposal to amend by adding the words "such drafts being first approved by

*one or more of the Directors;*" and, thus amended, they recommended the passage of the bill.

And the question being taken, the amendment was adopted.

And the bill, as amended, was

*Ordered,* To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(H. 78.) Mr. Rich from the same Committee, to whom was referred the House bill entitled "An act relating to the sale of the old State Prison," reported the same without amendment, and recommended its passage.

And the said bill was

*Ordered,* To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

Mr. Onion, from the Committee on Bills, reported that they had this day presented to the Governor, for his approval and signature, bills of the following titles:

(S. 20.) "An act to establish a Hospital at Castleton."

(S. 4.) "An act relating to Attorneys at Law."

(S. 21.) "An act to amend the Charter of the Burlington Mill Company."

(S. 33.) "An act altering the name of Howard Parker Johnson."

(H. 39.) "An act to repeal the laws giving a bounty on silk."

And

(H. 17.) "An act to pay Sewall Fullam the sum therein mentioned."

(H. 80.) Mr. Bemis, from the Committee on Land Taxes, to whom was referred the House bill entitled "An act annexing so much of Province Island as lies in this State to the town of Newport," reported the same without amendment, and recommended the passage thereof.

And it was

*Ordered,* To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(S. 15.) The Senate took up the bill on the table entitled "An act relating to interest of money, in addition to Chapter 72 of the Revised Statutes," together with the amendments proposed thereto by the Senate acting as in Committee of the Whole, which are as follows:

1. Strike out from Section 3, the words "*if such action be brought within one year after such payment or delivery.*"

2. Strike out Section 4, and insert a new section as section 4, in lieu thereof, as follows:

*"Section 4. In any case where more than the legal rate of interest shall be taken, the person taking the same shall be liable to indictment or information therefor, and, on conviction thereof, shall be fined a sum not less than twice the amount or value of the excess above the legal interest so taken, which amount shall be ascertained by the Jury trying the case. Provided, that no fine shall be less than \$10, and if the respondent shall plead guilty to the charge in such indictment or information, or judgment be against him, on a plea in abatement, the amount of interest received as aforesaid shall be ascertained by a Jury, and the amount so ascertained*

*shall be the amount of the penalty to be imposed by the Court, subject to the proviso aforesaid."*

3. Strike out from Section 5, all after the word "void."
4. Strike out from Section 6, all after the words "forfeit and pay," and insert, "a fine not less than twice the sum or value so secured or agreed to be paid as aforesaid, nor less than \$10, to be recovered by indictment or information; and in ascertaining the said sum or value, the same proceedings shall be had as provided in the fourth section of this act."

5. Add to the bill as follows.

"Section 11. All fines and forfeitures, recovered by virtue of the provisions of this act shall be paid into the treasury of the State, and appropriated for the benefit of Common Schools."

And the question being taken, the 1st and 2d amendments were adopted.

Mr. Vilas moved to amend by inserting a provision limiting the dividends of Banking corporations to five per centum per annum.

And, pending this amendment,

The Senate repaired to the hall of the House of Representatives, to meet the House in Joint Assembly.

Having returned,

The Senate resumed consideration of the amendment proposed by Mr. Vilas.

And, on motion of Mr. Hodges, the bill and amendments proposed were Ordered, To lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have considered the amendment of the Senate to the bill (H. 76) entitled "An act for the relief of Insane Prisoners in the State Prison," and have resolved to adopt the same in concurrence.

(S. 17.) They concur with the Senate in passing the bill entitled "An act to restore John W. Staples to his legal privileges;" and do not concur in passing the bill (S. 23) entitled "An act in addition to Chapter 74 of the Revised Statutes, entitled 'Of Pedlers.' "

The following communication was received from the Governor, by the hands of Mr. Beaman, Secretary of Civil and Military Affairs:

*To the Senate:*

I have the honor to inform the Senate that a vacancy has occurred in the office of Brigadier General of the Third Brigade, First Division of the Militia of this State, by the resignation and discharge of Brigadier General Cassius P. Peck.

WILLIAM SLADE.

EXECUTIVE CHAMBER,  
October, 29, 1845.

Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred so much of the Governor's Message as relates to the subject of Usury, reported that a bill, embracing all the provisions on that subject deemed desirable by the Committee, being now before the Senate, no further action is necessary under the resolution of reference.

On motion of Mr. T. T. Barrett,  
The Senate adjourned.

THURSDAY, OCTOBER 30, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Vilas presented the following resolution:

*Resolved*, That the Judiciary Committee be instructed to inquire into the practical operation of the License Law of the last session, and whether, in those counties where licenses have been denied, the law has been regarded and enforced, and whether the continuance of the law tends to injure the cause of temperance and a regard for law and order, and whether the cause of temperance and the public morals will not be better promoted by a repeal of all laws on the subject.

And it was read.

Mr. J. Barrett moved to amend by striking out the words "*the Judiciary*," and inserting the words "*a Select*."

And, pending this motion, on motion of Mr. Vilas, the resolution was

*Ordered*, To lie upon the table.

Mr. T. T. Barrett presented the petition of Jonas Fish praying for a change of his name.

And it was read and referred to the Committee on the Judiciary.

(S. 41.) Mr. Ladd introduced a bill entitled "An act in amendment of Chapter 18 of the Revised Statutes, entitled 'Of Common Schools.'

And it was read twice and referred to the Committee on Education.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs:

Mr. PRESIDENT:—I am directed by the Governor to announce to the Senate that he has approved and signed bills of the following titles:

(S. 4.) "An act relating to Attorneys at Law."

(S. 20.) "An act to establish a Hospital at Castleton."

(S. 21.) An act to amend the Charter of the Burlington Mill Company." And

(S. 33.) "An act altering the name of Howard Parker-Johnson."

(H. 68.) Mr. Chittenden, from the Committee on Roads and Canals, to whom was referred the House bill entitled "An act to incorporate the Vermont and Canada Rail Road Company," reported the same, without amendment, and recommended the passage thereof.

And, on motion of Mr. Bradley, it was

*Ordered*, To lie upon the table, and be made the special order for this afternoon.

Mr. T. T. Barrett, from the Committee on Military Affairs, to whom was referred the petition of J. W. D. Parker and 39 others, stated on the journal of the 11th instant, reported that, in their opinion, the prayer of the petitioner ought *not* to be granted, and moved that he have leave to withdraw his petition.

And it was so ordered.

Mr. T. T. Barrett, from the same Committee, to whom was referred the petition of Amasa F. Clark and 119 others, stated on the journal of the 14th instant, reported a bill (S. 42) entitled "An act in relation to the Militia," and recommended its passage.

And it was read the first and second times, and, on motion of Mr. Billings,

*Ordered.* To lie upon the table, and the Secretary was directed to procure 300 copies to be printed for the use of the Senate.

(S. 19.) Mr. Winn, from the Committee on Manufactures, to whom was referred the bill entitled "An act in addition to Chapter 28 of the Revised Statutes, relating to the attachment of personal property," reported the same, with the proposal to amend by substituting a new section in place of Section 1, making similar provisions; and, thus amended, they recommended the passage of the bill, and the said amendment was adopted.

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative.

So the third reading was refused.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed bills of the following titles:

(H. 28.) "An act to revive an act entitled 'an act to incorporate the Bennington and Brattleboro' Rail Road Company,' passed Nov. 10, 1835."

(H. 93.) "An act relating to subsequent attaching creditors."

(H. 96.) "An act in explanation of Section 49 of Chapter 20, of the Revised Statutes, relating to the discontinuance of Roads."

(H. 92.) "An act in amendment of the act to incorporate the Village of Middlebury."

(H. 86.) "An act in addition to Chapter 48 of the Revised Statutes, in relation to the settlement of Estates."

(H. 108.) "An act to pay the Overseer of the Poor of the town of Montpelier the sum therein mentioned."

(H. 81.) "An act concerning the settlement of Estates."

(H. 71.) "An act for the relief of the town of Berlin."

(H. 46.) "An act laying a tax on the County of Washington."

(H. 94.) "An act to continue in force the act incorporating the Bank of Orange County." And

(H. 118.) "An act restoring Stuart Lilly to his legal privileges."

And a resolution relative to the distribution of the remaining copies of the Report of the State Geologist.

In which bills and resolution, they request the concurrence of the Senate.

(H. 7.) The House have considered the amendment of the Senate to the bill entitled "An act relating to offences against private property," and have resolved to adopt the same in concurrence.

I am directed to announce to the Senate that Messrs. Adams, of Grand Isle, Rice and Crowley, have been appointed as the Committee on the part of the House to recommend a day for the adjournment of the General Assembly.

(S. 40.) Mr. Hedges, from the Committee on Claims, to whom was referred the bill entitled "An act to pay Sylvanus Ripley the sum therein mentioned," reported that the claim presented having once been rejected by the Legislature, it is not, in the opinion of the Committee, competent for the Senate to entertain the present bill under the existing law on that subject, and moved that the Committee be discharged from the further consideration thereof.

And the question being, Will the Senate discharge the Committee?

It was decided in the affirmative : { Yeas 19.

{ Nays 10.

The yeas and nays, being demanded by Mr. Smith, were as follows: Those Senators who voted in the affirmative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Bradley, Button, Chittenden, Hedges, Howe, Hurd, Morgan, Noyes, Onion, Rich, Sabin, Sias, Simonds, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. Billings, Brownell, Clapp, Fifield, Ladd, Marshall, Page, Richardson, Smith, and Vilas.

So the Committee were discharged.

(S. 37.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in relation to the use of Fire Arms in Villages," reported the same with the proposal to amend by inserting, as Section 2, as follows: "Section 2. *The provisions of this act shall extend to all Villages which are, or hereafter shall be, organized and act under Chapter 14 of the Revised Statutes, entitled 'Of Villages,'*" and by numbering Section 2, as Section 3.

And, thus amended, they recommended the passage of the bill.

And, the question being taken, the amendments were adopted, and the bill, as amended, was

*Ordered*, To be engrossed and read the third time.

(S. 11.) Mr. Woodbridge, from the same Committee, to whom was referred the bill entitled "An act to amend Chapter 25 of the Revised Statutes, entitled 'Of the Supreme and County Courts,'" reported the same, with the opinion that it ought *not* to pass.

And, the question being taken,

The third reading thereof was refused.

(H. 97.) Mr. Hedges, from the Committee on Claims, to whom was referred the House bill entitled "An act to pay William Slade the sum therein mentioned, reported the same, without amendment, and recommended the passage thereof.

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

The Senate took up the resolution from the House of Representatives, providing for the distribution of the remaining 350 copies of the Report of the State Geologist, as follows:

100 copies to the State Geologist and his assistants, for gratuitous distribution.

210 copies to the Governor, for distribution among the States and

Territories of this Union, and the literary and scientific institutions in this State. And

**40 copies to the State Library.**

And it was read and passed in concurrence.

On motion of Mr. J. Barrett,  
The Senate adjourned.

## AFTERNOON.

(S. 43.) Mr. Howe introduced a bill entitled "An act incorporating the Vernon Glass Manufacturing Company.

And it was read the first and second times, and referred to the Committee on Manufactures.

(S. 44.) Mr. Chittenden introduced a bill entitled "An act in addition to, and alteration of, Chapter 21 of the Revised Statutes, entitled 'Of Highways and Bridges.'"

And it was read the first and second times, and referred to the Committee on Roads and Canals.

(H. 58.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act relating to Public Squares and Commons," reported the same, without amendment, and recommended the passage thereof.

**And it was**

**Ordered.** To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

H. 29.) Mr. Bradley, from the Committee on Banks, to whom was referred the House bill entitled "An act extending the charter of the Bank of Middlebury," reported the same, without amendment, and recommended the passage thereof.

And, on motion of Mr. Woodbridge, the said bill was

*Ordered*, To lie upon the table.

(S. 45.) Mr. Marshall introduced a bill entitled "An act in alteration of 'an act relating to the Grand List.'"

And it was read the first and second times, and referred to the Committee on Land Taxes.

(H. 68.) The special order being the House bill on the table, entitled "An act to incorporate the Vermont and Canada Rail Road Company," was taken up, and

*Ordered, To be read the third time.*

**And it was, thereupon, read the third time.**

Mr. Noyes moved to amend the bill, by erasing the word "*Village*," and inserting the word "*Town*," before the word "*St. Albans*."

**And the question being taken,**

**It was decided in the negative:**

The yeas and nays, being demanded by Mr. Noves, were as follows:

Those Senators who voted in the affirmative, are Messrs. Bradley, Campbell, Howe, and Noyes.

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Billings, Brownell, Button, Chittenden, Clapp, Fifield, Hodges, Hurd, Ladd, Marshall, Morgan, Onion, Page, Rich, Richardson, Sabin, Sias, Simonds, Smith, Vilas, Winn, and Woodbridge.

So the amendment was rejected.

And the question then being, Shall the bill pass?

It was decided in the affirmative: { Yeas 25.  
Nays 5.

The yeas and nays, being demanded by Mr. Onion, were as follows: Those Senators who voted in the affirmative are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Billings, Bradley, Brownell, Button, Campbell, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Marshall, Morgan, Noyes, Onion, Rich, Sabin, Sias, Simonds, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. Fifield, Page, Richardson, Smith, and Vilas.

So the bill passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed the bill (S. 22) entitled "An act relating to Common Schools," with amendments, in which they request the concurrence of the Senate.

(H. 77.) They have considered the amendment of the Senate to the bill entitled "An act providing for the payment of the debts of the State Prison," and have resolved to adopt the same in concurrence.

The Governor has announced to the House of Representatives that he has, this day, approved and signed bills of the following titles:

(H. 17.) "An act to pay Sewall Fullam the sum therein mentioned." And

(H. 29.) "An act to repeal the laws giving a bounty on silk."

(S. 15.) Mr. Billings called up the bill on the table, entitled "An act relating to interest of money, in addition to Chapter 73 of the Revised Statutes."

And the question being on the amendment proposed by Mr. Vilas, Mr. T. T. Barrett moved that the bill be indefinitely postponed.

And the question being taken,

It was decided in the negative: { Yeas 7.  
Nays 22.

The yeas and nays, being demanded by Mr. J. Barrett, were as follows:

Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bellows, Brownell, Capp, Fifield, Noyes, and Onion.

Those Senators who voted in the negative, are Messrs. J. Barrett, Bemis, Billings, Bradley, Campbell, Chittenden, Hodges, Howe, Hurd, Ladd, Marshall, Morgan, Page, Rich, Richardson, Sabin, Sias, Simonds, Smith, Vilas, Winn, and Woodbridge.

So the motion was denied.

Mr. Vilas moved that the bill lie upon the table.

And, the question being taken,

It was decided in the negative :      { Years 12.  
                                                  } Nays 17.

The yeas and nays, being demanded by Mr. J. Barrett, were as follows :

Those Senators who voted in the affirmative, are Messrs. Bellows, Bemis, Brownell, Chittenden, Clapp, Fifield, Marshall, Noyes, Page, Richardson, Vilas, and Winn.

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Billings, Bradley, Button, Campbell, Hodges, Howe, Hurd, Ladd, Morgan, Onion, Rich, Sabin, Sias, Simonds, Smith, and Woodbridge.

So the motion was lost.

Mr. Smith moved that the vote by which the Senate adopted the second amendment, as stated on the journal of yesterday afternoon, be reconsidered.

And it was so ordered.

Mr. J. Barrett moved that the Senate do now adjourn,

But withdrew his motion, to allow the following House bills to be taken up, which were severally read the first and second times, and referred :

- (H. 118.) House bill No. 118,
- (H. 86.) House bill No. 86,
- (H. 93.) House bill No. 93, and
- (H. 81.) House bill No. 81, to the Committee on the Judiciary.
- (H. 96.) House bill No. 96,
- (H. 92.) House bill No. 92, and
- (H. 28.) House bill No. 28, to the Committee on Roads and Canals.
- (H. 108.) House bill No. 108, to the Committee on Claims.
- (H. 71.) House bill No. 71, to the Committee on Land Taxes.
- (H. 94.) House bill No. 94, to the Committee on Banks. And
- (H. 46.) House bill No. 46, to the Senators from Washington County.

Whereupon the question recurring,

On the motion of Mr. J. Barrett,  
The Senate adjourned.

FRIDAY, OCTOBER 31, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President announced the appointment of Mr. Hodges, Mr. Fifield and Mr. Rich, as the Select Committee under the resolution presented by Mr. Hodges, and spread upon the journal of the 29th instant.

Mr. Bradley presented the following resolution :

*Resolved, by the Senate and House of Representatives,* That both Houses meet in Joint Assembly on Saturday next, at 10 o'clock A. M., to elect the Bank Commissioner and Bank Committee for the year ensuing. And it was read and passed.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs :

MR. PRESIDENT :—I am directed to announce to the Senate that the Governor did, on the 30th instant, approve and sign the bill (S. 17) entitled “An act to restore John W. Staples to his legal privileges.”

Mr. Onion, from the Committee on Bills, reported that they did, on the 30th instant, present to the Governor, for his approval and signature, bills of the following titles :

(S. 17.) “An act to restore John W. Staples to his legal privileges.”

(H. 78.) “An act relating to the sale of the Old State Prison.”

(H. 14.) “An act to prohibit the bringing of paupers from any other State into this State.”

(H. 76.) “An act for the relief of Insane Prisoners in the State Prison.” And

(H. 80.) “An act annexing so much of Province Island as lies in this State to the Town of Newport.”

Mr. Smith presented the following resolution :

*Resolved, by the Senate and House of Representatives,* That our Senators be instructed, and our Representatives in Congress be requested, to use their influence to procure the passage of a law removing the Session of the United States District and Circuit Courts, from Rutland and Windsor, to Burlington and Montpelier.

And it was read, and, on motion of Mr. Smith, referred to the Committee on the Judiciary.

(S. 46.) Mr. J. Barrett introduced a bill entitled “An act in addition to an act incorporating and establishing Norwich University.”

And it was read the first and second times, and referred to the Committee on Education.

(S. 47.) Mr. J. Barrett introduced a bill entitled “An act to incorporate the Vermont Rail Road Iron Company.”

And it was read the first and second times, and referred to the Committee on Manufactures.

(H. 84.) The Senate took up the House bill, on the table, entitled “An act extending the Charter of the Bank of Newbury.”

And it was

*Ordered,* To be read the third time.

And it was, thereupon, read the third time.

The question then being, Shall the bill pass?

It was decided in the affirmative :      } Yeas 25.

                                                  } Nays 5.

The yeas and nays, being demanded by Mr. Smith, were as follows: Those Senators who voted in the affirmative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bennis, Billings, Bradley, Brownell, Button, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Marshall, Morgan.

Noyes, Onion, Page, Rich, Sabin, Sias, Simonds, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. Campbell, Field, Richardson, Smith, and Vilas.

(H. 29.) The House bill on the table, entitled "An act extending the Charter of the Bank of Middlebury," was taken up.

And it was

Ordered, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(S. 15.) The Senate considered the bill entitled "An act relating to interest of money, in addition to Chapter 72 of the Revised Statutes."

The question pending on the adjournment, being on the amendment proposed by Mr. Vilas.

And it was, on motion of Mr. Noyes,

Ordered, To lie upon the table.

(S. 13.) The Senate took up the bill on the table, entitled "An act in amendment of Chapter 1 of the Revised Statutes, entitled 'Of Elections.'"

Mr. Woodbridge moved that the said bill be indefinitely postponed.

And it was so ordered.

The Senate proceeded to consider the resolution, on the table, relative to the operation and effect of the existing License Law, and the expediency of repealing the same.

Mr. J. Barrett renewed his motion to insert "*a select*," instead of "*the Judiciary*," before the word "*Committee*."

And, the question being taken, it was, by the casting vote of the President, decided in the affirmative.

So the amendment was adopted.

Mr. J. Barrett moved that the resolution be indefinitely postponed.

And, on this question, Mr. Vilas demanded the yeas and nays.

The motion for indefinite postponement was withdrawn.

And it was, thereupon,

Resolved, That the resolution pass.

Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the resolution from the House of Representatives, directing the publisher of the 15th Volume of Vermont Reports to complete the Volume of Reports commenced by him in 1844, reported the same, with the opinion of the Committee that it ought *not* to pass.

And it was

Resolved, Not to concur in passing the said resolution.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for a meeting of the Joint Assembly to elect a Brigadier General of the Third Brigade and First Division of the Militia, in which they request the concurrence of the Senate.

The House concur with the Senate in passing the resolution providing for a meeting of the Joint Assembly to elect a Bank Commissioner and Bank Committee for the year ensuing.

The Governor has announced to the House that he did, on the 30th instant, approve and sign bills of the following titles:

(H. 14.) "An act to prohibit the bringing of paupers from any other State into this State."

(H. 76.) "An act for the relief of Insane Prisoners in the State Prison."

(H. 78.) "An act relating to the sale of the Old State Prison." And

(H. 80.) "An act annexing so much of Province Island as lies in this State to the town of Newport."

(S. 42.) The Senate took up the bill, on the table, entitled "An act in relation to the Militia," and, on the demand of Mr. Billings, proceeded to consider the same as in Committee of the Whole.

On motion of Mr. T. T. Barrett,  
The Senate adjourned.

## AFTERNOON.

(H. 71.) Mr. Richardson, from the Committee on Land Taxes, to whom was referred the House bill entitled "An act for the relief of the town of Berlin," reported the same, without amendment, with the opinion that it ought to pass.

And it was

Ordered, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(H. 5.) Mr. Bradley, from the Committee on Banks, to whom was referred the House bill entitled "An act extending the Charter of the Farmers' Bank," reported the same, with the opinion that it ought not to pass.

Mr. Vilas moved that the said bill be re-committed to the Committee on Banks.

Pending this motion, Mr. Chittenden moved to lay the bill upon the table, and that it be made the special order for to-morrow morning.

And it was so ordered.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed bills of the following titles:

(H. 191.) "An act to assess a tax for the support of government."

(H. 124.) "An act making appropriations for the support of government." And

(H. 135.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

In which bills they request the concurrence of the Senate.

(H. 109.) Mr. Simonds, from the Committee on Land Taxes, to whom were referred the House bill entitled "An act in addition to an

act relating to the Grand List,' Approved Nov. 11, 1841," reported the same, with the opinion that it ought *not* to pass.

And, on motion of Mr. Hodges, the said bill was  
Ordered. To lie upon the table.

(H. 99.) Mr. Sabin, from the Committee on Education, to whom was referred the House bill, entitled "An act in relation to the organization of School Districts in unorganized towns and gores," reported the same without amendment, and recommended the passage thereof.

And it was

Ordered. To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

Mr. Onion, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles:

(H. 7.) "An act relating to offences against private property."

(H. 77.) "An act providing for the payment of the debts against the State Prison."

(H. 97.) "An act to pay Wm. Slade the sum therein mentioned."

(H. 58.) "An act relating to Public Squares and Commons." And

(H. 68.) "An act to incorporate the Vermont and Canada Rail Road Company."

(S. 44.) Mr. Chittenden from the Committee on Roads and Canals, to whom was referred the bill entitled "An act in addition to, and alteration of, Chapter 21 of the Revised Statutes, entitled 'Of Highways and Bridges,'" reported the same, without amendment, and recommended its passage.

And, the question being taken, the said bill was

**Ordered.** To be engrossed and read the third time.

(H. 48.) Mr. Richardson, from the Select Committee consisting of the Senators from Washington County, to whom was referred the bill entitled "An act laying a tax on the County of Washington," reported the same without amendment, with the opinion that it ought to pass.

And it was

**Ordered,** To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(S. 41.) Mr. Sabin, from the Committee on Education, to whom was referred the bill entitled "An act in amendment of Chapter 18 of the Revised Statutes, entitled 'Of Common Schools,'" reported the same without amendment, and recommended its passage.

Mr. Vilas moved to amend the bill by erasing the words "*any act hitherto passed to the contrary notwithstanding.*"

And it was so ordered.

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the affirmative : { Yeas 15,  
Nays 12.

The yeas and nays, being demanded by Mr. Page, were as follows:

Those Senators who voted in the affirmative, are Messrs. Bellows, Benét, Brownell, Button, Campbell, Clapp, Fifield, Howe, Hurd, Ladd, Marshall, Page, Richardson, Sabin, and Smith.

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Billings, Chittenden, Hodges, Morgan, Noyes, Rich, Sias, Simonds, Winn, and Woodbridge.

So the bill was

*Ordered*, To be engrossed and read the third time.

On motion of Mr. Richardson,  
The Senate adjourned.

SATURDAY, NOVEMBER 1, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The resolution from the House of Representatives, providing for a meeting of the Joint Assembly on Monday next, at 3 o'clock, P. M., for the purpose of electing a Brigadier General of the Third Brigade, in the First Division of the Vermont Militia, to supply the vacancy occasioned by the resignation of Brigadier General Cassius P. Peck, was taken up.

And it was read and passed in concurrence.

(S. 48.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the petition of Jonas Fish, stated on the journal of the 30th ultimo, reported thereon a bill, entitled "An act altering the name of Jonas Fish."

And it was read the first and second times, and

*Ordered*, To be engrossed and read the third time.

(H. 118.) Mr. J. Barrett, from the same Committee, to whom was referred the House bill entitled "An act restoring Stuart Lilley to his legal privileges," reported the same with the proposal to amend by striking out all after the enacting clause, and inserting a section making similar provisions, and thus amended, they recommended the passage of the bill.

And, the question being taken, the amendment was adopted.

And the bill was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(S. 5.) Mr. Noyes from the Committee on Claims, to whom was re-committed the bill entitled "An act, directing the Treasurer to pay Richard F. Abbott the sum therein mentioned," asked that the Committee be discharged from the further consideration of the same, on the ground that the claim directed to be paid thereby, has once been rejected by the General Assembly, and that, in the opinion of the Committee,

it is not competent for the Senate to entertain the said claim, except on a vote of two-thirds.

And the question stated by the President being, Shall the Committee be instructed to entertain the bill?

It was, by a vote of two-thirds, decided in the affirmative.

So the Committee were not discharged.

(H. 81.) Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act concerning the Settlement of Estates," reported the same, with the opinion that it ought not to pass.

And, the question being taken,

The third reading thereof was refused.

Mr. Woodbridge, from the same Committee, to whom was referred the resolution from the House of Representatives, stated on the journal of the 21st ultimo, providing for amending the Charter of the town of Glover, reported the same, with the proposal to amend so that the said resolution will read as follows:

"Resolved, by the Senate and House of Representatives, That the Secretary of State be, and hereby is, directed to amend the record of the Charter of the Town of Glover, in his office, by inserting the name of William Fellows, one of the original proprietors of said Town, his name having been omitted by the Secretary of State in recording said Charter."

And thus amended, they recommended the passage thereof.

And the question being, Will the Senate amend the resolution as proposed by the Committee?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Smith moved that the resolution be recommitted to the Committee on the Judiciary, with instructions to notify the parties to be affected by the passage of the resolution, of the pendency thereof.

And the question being taken,

It was decided in the affirmative : { Yeas 19,  
Nays 9.

The yeas and nays, being demanded by Mr. Vilas, were as follows :

Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bellows, Billings, Brownell, Campbell, Chittenden, Clapp, Howe, Hurd, Ladd, Marshall, Page, Richardson, Sabin, Sias, Simonds, Smith, Vilas and Winn.

Those Senators who voted in the negative, are Messrs. J. Barrett, Bemis, Bradley, Button, Morgan, Noyes, Onion, Rich and Woodbridge.

So the resolution was recommitted with instructions.

The hour designated for a meeting of the Joint Assembly having arrived, the Senate repaired to the hall of the House of Representatives.

And having returned,

Mr. Smith presented the following resolution :

*Resolved, by the Senate and House of Representatives, That the Treasurer is directed so to construe the law approved Oct. 30, 1844, in relation to the bounty on silk, that he pay all certificates of Town Clerks certifying said silk to be raised in 1844, at the rate of 20 cents per pound : also that he pay all certificates for silk raised in the year 1845*

at 15 cents per pound, whether the certificates bear date in the month of September or not; Provided no certificates shall be paid bearing date after the 31st day of December, 1845.

And it was read, and, on motion of Mr. Smith, referred to the Committee on Manufactures.

(H. 94.) Mr. Smith, from the Committee on Banks, to whom was referred the House bill entitled "An act to continue in force the act incorporating the Bank of Orange County," reported the same, without amendment, and recommended the passage thereof.

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

Mr. Billings from the Select Committee to whom was referred so much of the Governor's Message as relates to our connection with the Federal Union, Texas and Slavery, submitted a Report, [see Appendix] and recommended the passage of the following resolutions :

1st. *Resolved*, by the Senate and House of Representatives of the State of Vermont, That in the name and behalf of the people of the State of Vermont, we do protest against the annexation of Texas to the United States, as a measure inconsistent with, and in direct hostility to, the Constitution of the United States, and fraught with the most serious danger to the well-being, the integrity and the existence, of the Union.

2d. *Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use their utmost exertions and influence to prevent the consummation of the measures now commenced, for the purpose of effecting such annexation, and that His Excellency the Governor be requested to transmit a copy of the foregoing resolutions to each of our delegates in Congress, and likewise a copy to each of the Executives of the several States in the Union, to be laid before the first meeting of their respective Legislatures.

And, on motion of Mr. J. Barrett, the said resolutions were

*Ordered*, To lie upon the table.

(H. 9.) Mr. Smith, from the Committee on Banks, to whom was referred the House bill entitled "An act to incorporate the Bank of Brandon, reported the same, with the opinion that it ought *not* to pass.

And, on motion of Mr. T. T. Barrett, the bill was

*Ordered*, To lie upon the table.

(H. 96.) Mr. Bellows, from the Committee on Roads and Canals, to whom was referred the House bill entitled "An act in explanation of Section 49 of Chapter 20 of the Revised Statutes, relating to the discontinuance of Roads," reported the same, without amendment, and recommended the passage thereof.

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(H. 86.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act in addition to Chapter 48 of the Revised Statutes, in relation to the Settlement of Estates," reported the same, with the opinion that it ought *not* to pass.

And, the question being taken,

The third reading thereof was refused.

Mr. Vilas, from the same Committee, to whom was referred the resolution relative to a removal of the sessions of the District and Circuit Courts of the United States, reported the same, without amendment, but with no expression of the opinion of the Committee relative to the passage thereof.

And, on motion of Mr. Vilas, it was

*Ordered*, To lie upon the table, and be made the special order for Monday afternoon next.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives concur with the Senate in passing the bill (S. 31) entitled “An act altering the name of Seymour L. Stafford.”

The Governor has announced to the House of Representatives that he has approved and signed bills of the following titles:

(H. 7.) “An act relating to offences against private property.”

(H. 77.) “An act providing for the payment of the debts against the State Prison.”

(H. 97.) “An act to pay William Slade the sum therein mentioned.”

(H. 68.) “An act to incorporate the Vermont and Canada Rail Road Company.” And

(H. 58.) “An act relating to Public Squares and Commons.”

The following House bills were severally read the first and second times, and referred to the Committee on Finance.

(H. 121.) House bill No. 121.

(H. 124.) House bill No. 124.

(H. 125.) House bill No. 125.

Mr. Onion, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles:

(H. 29.) “An act extending the charter of the Bank of Middlebury.”

(H. 84.) “An act extending the charter of the Bank of Newbury.”

(H. 71.) “An act for the relief of the town of Berlin.”

(H. 99.) “An act in relation to the organization of School Districts in unorganized towns and gores.” And

(H. 46.) “An act laying a tax on the County of Washington.”

On motion of Mr. T. T. Barrett,  
The Senate adjourned.

## AFTERNOON.

The Senate took up the following engrossed bills:

(S. 37.) “An act in relation to the use of Fire Arms in Villages.”

And

(S. 48.) “An act altering the name of Jonas Fish.”

Which were severally read the third time and passed. And

(S. 44.) “An act in addition to, and alteration of, Chapter 21 of the Revised Statutes, entitled ‘Of Highways and Bridges.’” And

(S. 41.) "An act in amendment of Chapter 18 of the Revised Statutes, entitled "Of Common Schools."'

Which were severally read the third time, and  
Ordered, To lie upon the table.

(S. 36.) Mr. Bemis, from the Committee on Land Taxes, to whom was referred the bill entitled "An act to provide for the assessment and collection of taxes on non-resident lands," reported the same, with the opinion that it ought *not* to pass.

And the question being taken,  
The third reading thereof was refused.

(H. 109.) The Senate took up the House bill, on the table, entitled "An act in an addition to 'an act relating to the Grand List,' approved Nov. 11, 1841."

And the question being, Shall the bill be read the third time?  
It was decided in the negative.  
So the third reading was refused.

(S. 22.) The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act relating to Common Schools," which amendments were numbered from *one* to *seven* inclusive.

And, the question being taken, the said amendments were severally concurred in, with the exception of the 4th, 5th, and the latter clause of the 6th, proposed amendments, in which it was resolved *not* to concur.

The following communication from the Governor was received by the hands of Mr. Beaman, Secretary of Civil and Military Affairs, and read: [See Appendix.]

The communication from Henry Stevens, accompanying the foregoing communication of the Governor, was read and referred to the Joint Committee under the 5th Joint Rule of the two Houses.

The following communication was received from the Governor, by the hands of Mr. Beaman, Secretary of Civil and Military Affairs:

*To the Senate:*

I have the honor to transmit herewith to the Senate, for the use of the General Assembly, the Annual Report of the Quarter Master General.

WILLIAM SLADE.

EXECUTIVE CHAMBER, {  
November 1, 1845. }

The Report of the Quarter Master General, accompanying the foregoing communication, was read and referred to the Committee on Military Affairs. [See Appendix.]

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 36.) "An act to pay Guy C. Sampson the sum therein mentioned."

H. 54.) "An act to repeal the laws giving a bounty on the destruction of bears, wolves, and panthers."

(H. 104.) "An act in addition to Section 37 of Chapter 25 of the

Revised Statutes, in relation to exceptions to decisions of County Courts."

(H. 106.) "An act to incorporate the Springfield Paper Mill Company."

(H. 132.) "An act to pay Alvin H. Baker the sum therein mentioned." And

(H. 127.) "An act in relation to Elections."

The said bills from the House of Representatives were severally read the first and second times, and referred as follows:

(H. 104.) House bill No. 104, to the Committee on the Judiciary.

(H. 132.) House bill No. 132, and

(H. 36.) House bill No 36, to the Committee on Claims.

(H. 127.) House bill No. 127, to the Committee on Elections.

(H. 54.) House bill No. 54, to the Committee on Agriculture. And

(H. 106.) House bill No. 106, to the Committee on Manufactures.

On motion of Mr. Howe, leave of absence from attendance upon the Senate was granted to Mr. Campbell, from and after Monday morning next.

On motion of Mr. Chittenden,  
The Senate adjourned.

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MONDAY, NOVEMBER 3, 1845.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have considered the amendment to the bill (H. 118) entitled "An act restoring Stuart Lilley to his legal privileges," and have resolved to adopt the same in concurrence.

The House have passed bills of the following titles:

(H. 49.) "An act to amend 'an act to incorporate the Champlain and Connecticut River Rail Road Company.'" And

(H. 117.) "An act in addition to 'an act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company,' passed November 10, 1835." And

(S. 35.) The Senate bill entitled "An act in amendment of an act entitled 'An act in relation to the State Prison,' approved Nov. 10, 1841," with amendments, in which bills and amendments they request the concurrence of the Senate.

(S. 49.) Mr. Chittenden introduced a bill entitled "An act relating to Highways near the line of adjoining towns."

And it was read twice, and referred to the Committee on Roads and Canals.

Mr. Smith moved that the vote re-committing the resolution directing the Secretary of State to amend the record of the charter of the town of Glover, be reconsidered.

And it was so ordered.

The said motion to re-commit was, thereupon, withdrawn by the mover.

And the resolution was, thereupon, passed, as amended, in concurrence.

(S. 38.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the bill entitled "An act relating to Public Accounts," reported the same, with the proposal to amend, by substituting therefor a bill making similar provisions; and, thus amended, they recommended the passage of the bill.

And the question being taken, the amendment proposed was adopted.

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the affirmative.

Mr. Marshall, from the Select Committee to whom was referred so much of the Governor's message as relates to our connection with the Federal Government, Texas and Slavery, submitted the following as the Report of the minority of said Committee, [see Appendix] and recommended the passage of the resolutions thereto.

And, on motion of Mr. Vilas, said resolutions were

*Ordered*, To lie upon the table.

(S. 44.) Mr. J. Barrett called up the engrossed bill on the table, entitled "An act in addition to, and alteration of, Chapter 21 of the Revised Statutes, entitled 'Of Highways and Bridges,'" and moved that it be committed to a Senator with instructions to amend the same by inserting, after the word "Taxes," in the 5th line of Section 2, the following words: "*with a deduction or discount of 25 per centum.*"

And it was so ordered.

The President designated Mr. J. Barrett to perform this service, who reported the bill amended as directed by the Senate.

And the question being, Shall the bill pass?

It was decided in the affirmative.

So the bill passed.

The following communication from the Governor was received, by the hands of Mr. Beaman, Secretary of Civil and Military Affairs: [See Appendix.]

And said communication was read, and, with the documents accompanying,

*Ordered*, To lie upon the table.

(H. 108.) Mr. Hodges, from the Committee on Claims, to whom was referred the House bill entitled "An act to pay the Overseer of the Poor of the town of Montpelier the sum therein mentioned," reported the same, without amendment, and recommended the passage thereof.

And it was

Ordered, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(S. 13.) Mr. Vilas called up the bill, on the table, entitled "An act relating to interest of money, in addition to Chapter 72 of the Revised Statutes," and withdrew the amendment offered by him, and spread upon the journal of the 29th instant, and moved the following: Add to Section 1, "And that no banking incorporation shall divide to the stockholders thereof a greater sum than \$6,00 upon \$100,00 for one year on the capital stock paid in, and after that rate for a longer or shorter time."

And, add to Section 2, "nor shall any stockholder, directly or indirectly, receive any greater sum for any dividend on any bank stock he may own in any banking incorporation."

And, pending this motion, on motion of Mr. Smith, the bill was

Ordered, To lie upon the table.

(H. 5.) Mr. J. Barrett called up the House bill, on the table, entitled "An act extending the Charter of the Farmers' Bank."

And the question being, Shall the bill be read the third time?

It was decided in the negative: { Yeas 10,  
Nays 18.

The yeas and nays, being demanded by Mr. Fifield, were as follows: Those Senators who voted in the affirmative, are Messrs. Brownell, Chittenden, Hodges, Ladd, Morgan, Noyes, Onion, Rich, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Billings, Bradley, Button, Campbell, Clapp, Fifield, Howe, Hurd, Marshall, Sabin, Sias, Simonds, Smith, and Vilas.

So the third reading was refused.

(H. 9.) Mr. T. T. Barrett called up the House bill, on the table, entitled "An act to incorporate the Bank of Brandon."

And the question being, Shall the bill be read the third time?

It was decided in the negative: { Yeas 4,  
Nays 24.

The yeas and nays, being demanded by Mr. Onion, were as follows: Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Button, Morgan, and Woodbridge.

Those Senators who voted in the negative, are Messrs. J. Barrett, Bellows, Bemis, Billings, Bradley, Brownell, Campbell, Chittenden, Clapp, Fifield, Hodges, Howe, Hurd, Ladd, Marshall, Noyes, Onion, Rich, Sabin, Sias, Simonds, Smith, Vilas, and Winn.

So the third reading was refused.

(S. 42.) On the demand of Mr. T. T. Barrett, the Senate proceeded to consider, as in Committee of the Whole, the bill entitled "An act in relation to the Militia."

And having made progress therein, reported the same with the following proposals of amendment:

1st. Strike out Section 3, and insert as follows: "Section 3. The Commander in Chief shall procure some suitable person from the Norwich

*University, or elsewhere, as instructor for said brigade, at the expense of the State, not to exceed in the whole the sum of \$ 150 annually."*

2d. In Section 7, after the word "company," in 3d line, insert "with the towns to which they severally belong;" and add to said Section 7, the words "which return he shall certify to be correct." And

Strike out Sections 8 and 9, and insert "Section 8. The Quarter Master General shall, within ten days after the returns mentioned in the preceding section shall have been made to him, make out a complete list of all the persons who appear, from the returns so made to him, to be entitled to the compensations mentioned in Sections 5 and 6 of this act, and transmit the same to the selectmen of the several towns in which such persons reside, who shall thereupon give each claimant an order on the treasurer of such town for the time to which he is so entitled."

"Sec. 9. The Quarter Master General shall, also, in like manner, make a return to the Treasurer of the State, in which he shall state the sum so paid by each town, and for which said Treasurer shall credit such town on his Warrant for State taxes for that year.

3d. Strike out all of Section 10 before the word "any," in 2d line.

And the question being, Will the Senate adopt the first proposed amendment?

It was decided in the affirmative: { Yeas 15,  
Nays 14.

The yeas and nays, being demanded by Mr. Vilas, were as follows:

Those Senators who voted in the affirmative, are Messrs. Bellows, Billings, Bradley, Button, Campbell, Chittenden, Hodges, Howe, Hurd, Ladd, Morgan, Onion, Rich, Winn and Woodbridge..

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Bemis, Brownell, Clapp, Fifield, Marshall, Noyes, Richardson, Sabine, Sias, Simonds, Smith and Vilas.

So the amendment was adopted.

And the question being taken, the second and third amendments were severally adopted.

Mr. Howe moved to amend Section 1, by inserting "30" instead of 40, in 2d line, and "50" instead of 70, in 3d line.

Mr. J. Barrett called for a division of the question.

And the question being, Will the Senate amend by inserting "30" instead of 40, in 2d line?

It was decided in the negative.

So the amendment was rejected.

Mr. Howe thereupon withdrew the remaining clause of his proposed amendment.

Mr. Howe moved to amend Section 2 by inserting "three" in lieu of "four," in the 5th line.

And the motion was lost.

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the affirmative.

So the bill was

Ordered, To be engrossed and read the third time.

On motion of Mr. Morgan,  
The Senate adjourned.

## AFTERNOON.

(S. 50.) Mr. Noyes introduced a bill entitled "An act in addition to Chapter 49 of the Revised Statutes."

Which was read the first and second times, and referred to the Committee on the Judiciary.

The President announced the appointment of Messrs. Noyes, Sabin and Smith, as the Select Committee under the resolution directing an enquiry respecting the operation and effect of the existing License Law.

(S. 51.) Mr. Noyes introduced a bill entitled "An act to repeal all laws regulating the sale of spirituous liquors, wine, ale or beer."

And it was read the first and second times, and referred to the Select Committee on the existing License Law.

(H. 92.) Mr. Chittenden, from the Committee on Roads and Canals, to whom was referred the House bill entitled "An act in amendment of the act incorporating the Village of Middlebury," reported the same, with the proposal to amend by striking out the word "half," and inserting the word "third," in lieu thereof, in the last line of Section 3, and thus amended, they recommended the passage of the bill.

And the question being taken, the amendment was adopted.

And the bill, as amended, was

Ordered, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(S. 49.) Mr. Chittenden, from the same Committee, to whom was referred the bill entitled "An act relating to Highways near the line of adjoining towns," reported the same without amendment, and recommended its passage.

On motion of Mr. J. Barrett, a verbal amendment was made, and the bill was

Ordered, To be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a resolution instructing the Trustees and Superintendent of the Vermont Asylum for the Insane; and a resolution fixing a day for the final adjournment of the General Assembly, in which they request the concurrence of the Senate.

They concur with the Senate in passing the bill entitled

(S. 34.) "An act to pay William Rounds, Jr., the sum therein mentioned."

The Governor has announced to the House of Representatives that he has approved and signed bills of the following titles:

(H. 29.) "An act extending the Charter of Middlebury Bank."

(H. 46.) "An act laying a tax on the County of Washington."

(H. 71.) "An act for the relief of the town of Berlin."

(H. 84.) "An act extending the Charter of the Bank of Newbury."

(H. 99.) "An act in relation to the organization of School Districts in unorganized towns and gores."

(S. 52.) Mr. Onion, from the Committee on Finance, to whom was referred the communication of the Governor on the Journal of the 21st ult., reported a bill entitled "An act in addition to 'an act to provide for a Geological Survey of the State,'" and recommended its passage.

And it was read the first and second times, and

On motion of Mr. Noyes,  
*Ordered*, To lie upon the table.

(H. 28.) Mr. Chittenden, from the Committee on Roads and Canals, to whom was referred the House bill entitled "An act to revive an act entitled 'an act to incorporate the Bennington and Brattleboro' Rail Road Company,' passed Nov. 10, 1835," reported the same, without amendment, and recommended its passage.

And, on his motion, the said bill was

*Ordered*, To lie upon the table.

Mr. Billings, from the Committee on Manufactures, to whom was referred the resolution relative to the bounty on silk, spread upon the journal of the 1st instant, reported the same, and recommended that it pass.

Mr. J. Barrett moved to amend the said resolution, so that the Treasurer be directed to pay the bounties mentioned therein.

And it was so ordered.

And the resolution, as amended, passed.

Mr. Rich, from the Committee on Finance, to whom was referred the following House bills :

(H. 131.) "An act to assess a tax for the support of Government."

(H. 124.) "An act making appropriations for the support of Government." And

(H. 125.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

Reported the said bills, without amendment, and recommended the passage of the same.

And they were, severally,

*Ordered*, To be read the third time.

And they were, thereupon, severally read the third time, and passed in concurrence.

Mr. Vilas presented the following resolution, which was read and passed :

*Resolved*, by the Senate and House of Representatives, That Bliss N. Davis, Mordecai Hale, and J. D. Stoddard, be a Committee to examine the account of Gen. James Morse, relating to the assessment of fines, and the collection and disbursement of the same, under the militia laws of 1837, '39, and '40; and also any claim of the said Morse for expenditures under said laws; and report to the next session of the Legislature the true situation of all matters arising therefrom, both in favor of the said Morse and the State.

Mr. Billings called up the resolution on the table, relative to the removal of the United States District and Circuit Courts.

And on motion of Mr. Smith, it was again

*Ordered*, To lie upon the table.

The hour designated for a meeting of the Joint Assembly, having arrived, the Senate repaired to the hall of the House of Representatives.  
And having returned,

(S. 45.) Mr. Richardson, from the Committee on the Grand List, to whom was referred the bill entitled "An act in alteration of an act relating to the Grand List," reported the same, with the opinion of the Committee that it ought *not* to pass.

And, the question being taken, the third reading thereof was refused.

(S. 53.) Mr. Woodbridge introduced a bill entitled "An act in addition to Chapter 20 of the Revised Statutes, entitled 'Of laying out and discontinuing Highways and Bridges.'"

And it was read twice, and referred to the Committee on Roads and Canals.

(S. 15.) Mr. Smith called up the bill on the table, entitled "An act relating to interest of money, in addition to Chapter 72 of the Revised Statutes."

Mr. J. Barrett proposed certain amendments thereto.

And, on motion of Mr. Vilas, the bill was again

*Ordered*, To lie upon the table.

(H. 127.) Mr. Morgan, from the Committee on Elections, to whom was referred the House bill entitled "An act in relation to Elections," reported the same, without amendment, with the opinion that it ought to pass.

And, on motion of Mr. Vilas, the said bill was

*Ordered*, To lie upon the table.

(S. 39.) Mr. Fifield, from the Committee on Finance, to whom was referred the bill entitled "An act in amendment of an act in addition to Chapter 19 of the Revised Statutes, relating to the instruction of the Deaf, Dumb, and Blind, passed Nov. 12, 1842," reported the same, without amendment, with the opinion that it ought to pass.

And it was, thereupon,

*Ordered*, To be engrossed and read the third time.

The communication from the Governor, received this morning, relative to Sampson's Index to the unrevised laws, was read.

And, on motion of Mr. Vilas, said communication, together with the accompanying documents, was

*Ordered*, To lie upon the table.

Mr. Morgan presented the following resolution:

*Resolved*, That in addition to the usual sessions, the Senate meet hereafter at 7 o'clock, P. M.

And it was read, and on motion of Mr. J. Barrett,

*Ordered*, To lie upon the table.

Mr. Onion, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles:

(H. 118.) "An act restoring Stuart Lilley to his legal privileges."

(H. 96.) "An act in explanation of Section 49 of Chapter 12 of the Revised Statutes, relative to the discontinuance of roads." And

(H. 94.) "An act to continue in force the act incorporating the Bank of Orange County."

On motion of Mr. Onion,  
The Senate adjourned.

TUESDAY, NOVEMBER 4, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have resolved to recede from their 5th, and the last clause of their 6th, proposed amendment to the bill (H. 22) entitled "An act relating to Common Schools," and to insist on their 4th proposed amendment thereto.

They have considered the amendment of the Senate to the resolution relative to an amendment of the Record of the Charter of the town of Glover, and to the bill (H. 92) entitled "An act in amendment of the act incorporating the village of Middlebury," and have resolved to concur therein.

(S. 28.) The House concur with the Senate in passing the resolution appointing a Committee to examine the accounts of General James Morse; the resolution directing the Treasurer to pay bounties on silk produced in 1840 and 1845, and the bill entitled "An act in amendment of Chapter 107 of the Revised Statutes, entitled 'Of Salaries and Fees.'"

The House of Representatives have passed bills of the following titles :

(H. 11.) "An act to alter the name of Mary Arabella Parker."

(H. 21.) "An act to incorporate the Bank of Black River."

(H. 107.) "An act altering the name of Calvin Clark and constituting him heir at law of Noah Paine and Patty Paine."

(H. 116.) "An act relating to the Secretary of Civil and Military Affairs."

(H. 135.) "An act altering the names of the persons therein mentioned." And

(H. 140.) "An act in relation to Engrossing Clerks."

Mr. J. Barrett presented the following resolution, which was read and passed :

*Resolved, by the Senate and House of Representatives, That the Secretary of State be instructed forthwith to furnish to the Superintendent and each of the Directors of the State Prison, a copy of the act relating to the State Prison, passed at the present session of the Legislature.*

(H. 54.) Mr. Howe, from the Committee on Agriculture, to whom was referred the House bill entitled "An act to repeal the laws giving a bounty on the destruction of bears, wolves and panthers," reported the same, without amendment, and recommended its passage.

And, on motion of Mr. Vilas, said bill was  
*Ordered*, To lie upon the table.

The following engrossed bills were taken up, and severally read the third time and passed :

(S. 38.) "An act relating to Public Accounts."

(S. 39.) "An act in amendment of an act in addition to Chapter 19 of the Revised Statutes, relating to the instruction of the Deaf, Dumb, and Blind, passed Nov. 12, 1842." And

(S. 49.) "An act relating to Highways near the line of adjoining towns."

(S. 32.) The engrossed bill entitled "An act to establish the Green Mountain Hospital at Woodstock," was taken up.

And, on motion of Mr. J. Barrett, it was  
*Resolved*, That said bill be indefinitely postponed.

The following House bills were severally read the first and second times, and referred :

(H. 135.) House bill No. 135,

(H. 11.) House bill No. 11, and

(H. 107.) House bill No. 107, to the Committee on the Judiciary.

(H. 21.) House bill No. 21, to the Committee on Banks.

(H. 140.) House bill No. 140, to the Committee on Finance.

(H. 116.) House bill No. 116, to the Committee on Military Affairs.

(H. 117.) House bill No. 117, and

(H. 49.) House bill No. 49, to the Committee on Roads and Canals.

The resolution from the House of Representatives directing the Trustees and Superintendent of the Vermont Asylum for the Insane, to include, in their annual Report, the residence, as well as the names, of beneficiaries, the names and residence of all patients discharged, together with the improvement and condition of such patients at the time of their discharge, was read, and it was

*Resolved*, To pass the same in concurrence.

The Senate considered the resolution from the House of Representatives, fixing upon Thursday morning next, at 7 o'clock, as the time for the final adjournment of the General Assembly.

And, on motion of Mr. J. Barrett, it was

*Ordered*, To lie upon the table.

(S. 54.) Mr. Vilas introduced a bill entitled "An act relating to persons imprisoned in jail."

And it was read the first and second times, and referred to the Committee on the Judiciary.

(S. 35.) The Senate proceeded to consider the amendments of the House of Representatives to the engrossed bill entitled "An act in amendment of an act entitled 'an act in relation to the State Prison,' approved Nov. 10, 1841."

And it was

*Resolved*, To adopt the said amendments in concurrence.

(S. 42.) The Senate took up the engrossed bill entitled "An act in relation to the Militia."

And it was read the third time,

Mr. Vilas moved that the bill be committed to a Senator with instructions to amend by striking out *Section 12.*

And it was so ordered, and Mr. Vilas was appointed by the President to perform that service, who reported the bill so amended.

Mr. Woodbridge moved that the bill be committed to a Senator with instructions to amend the same by adding an additional Section, as follows :

"*Section 13. The whole expense arising under this act, shall not exceed \$30,000.*"

And the question, Will the Senate commit the bill with such instructions?

Was decided in the affirmative : { Yeas 15,  
Nays 14.

The yeas and nays, being demanded by Mr. Vilas, were as follows:

Those Senators who voted in the affirmative, are Messrs. Bellows, Bemis, Bradley, Button, Campbell, Chittenden, Hodges, Howe, Hurd, Ladd, Morgan, Onion, Sias, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Billings, Brownell, Clapp, Fifield, Marshall, Noyes, Rich, Richardson, Sabin, Simonds, Smith, and Vilas.

So the commitment was ordered.

And the President appointed Mr. Woodbridge to make the amendment, who reported the bill so amended.

The question then being, Shall the bill pass?

It was decided in the negative : { Yeas 11,  
Nays 18.

The yeas and nays, being demanded by Mr. T. T. Barrett, were as follows:

Those Senators who voted in the affirmative, are Messrs. J. Barrett, T. T. Barrett, Brownell, Clapp, Fifield, Noyes, Rich, Sabin, Simonds, Smith, and Vilas.

Those Senators who voted in the negative, are Messrs. Bellows, Bemis, Billings, Bradley, Button, Campbell, Chittenden, Hodges, Howe, Hurd, Ladd, Marshall, Morgan, Onion, Richardson, Sias, Winn, and Woodbridge.

So the passage of the bill was refused.

(S. 15.) The Senate took up the bill on the table, entitled "An act relating to interest of money, in addition to Chapter 72 of the Revised Statutes," and proceeded to consider the same, as in Committee of the Whole.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT:—The House of Representatives have passed bills of the following titles, and request the concurrence of the Senate therein:

(H. 91.) "An act to pay Lewis N. Flint the sum therein mentioned."

(H. 101.) "An act to abolish the School Fund."

(H. 110.) "An act to incorporate the Western Vermont Rail Road Company."

(H. 128.) "An act to incorporate the American Exploring, Mining, and Manufacturing Company."

(H. 136.) "An act to incorporate the Windham Slate and Mineral Company."

(H. 142.) "An act to incorporate the Brattleboro' Infirmary." And

(H. 145.) "An act to pay Lewis Tucker the sum therein mentioned."

I am directed to transmit to the Senate the Report of the Committee appointed to investigate the affairs of the 16th Regiment of the Vermont Militia, which has been heretofore communicated by the Governor to the House of Representatives for the use of the General Assembly.

The Governor has announced to the House of Representatives that he has approved and signed bills of the following titles:

(H. 96.) "An act in explanation of Section 49 of Chapter 20 of the Revised Statutes, relating to the discontinuance of roads."

(H. 94.) "An act to continue in force the act incorporating the Bank of Orange County." And

(H. 118.) "An act restoring Stuart Lilley to his legal privileges."

The Senate took up the resolution from the House of Representatives, fixing the time for the final adjournment of the two Houses.

And it was

*Resolved*, To pass the same in concurrence.

The following House bills were taken up, severally read the first and second times, and referred:

(H. 145.) House bill No. 145, to the Committee on Finance.

(H. 142.) House bill No. 142, and

(H. 101.) House bill No. 101, to the Committee on Education.

(H. 136.) House bill No. 136, and

(H. 128.) House bill No. 128, to the Committee on Manufactures.

(H. 91.) House bill No. 91, to the Committee on Claims. And

(H. 110.) House bill No. 110, to the Committee on Roads and Canals.

Mr. Smith introduced bills of the following titles:

(S. 55.) "An act to increase the Capital of the Bank of Montpelier."

And

(S. 56.) "An act relating to the sale of Goods, Wares, and Merchandise at auction."

And the said bills were severally read the first and second times, and referred as follows:

Senate bill No. 55, to the Committee on Banks. And

Senate bill No. 56, to the Committee on Finance.

Mr. Smith presented the following resolutions, which were read, and, on motion of Mr. Vilas, referred to the Committee on the Judiciary:

*Resolved*, by the Senate and House of Representatives, That Henry Stevens, Esq., be requested to cause such papers as he now has in his possession, or may hereafter procure, connected with the Surveyor General's Department, to be properly arranged and bound into volumes, and deposited in the Secretary of State's Office.

*Resolved*, That Henry Stevens, Esq., be requested to deposit with

the State Librarian one copy of the acts and journals of each session of the General Assembly, of which the State Library is deficient.

*Resolved*, That the State Librarian deposit with Henry Stevens, President of the Vermont Historical and Antiquarian Society, one copy of the American Archives, one copy of the American State Papers, and one copy of the Vermont Reports.

On motion of Mr. J. Barrett,  
The Senate adjourned.

#### AFTERNOON.

(S. 22.) Mr. J. Barrett called up the bill entitled "An act in relation to Common Schools," and the Senate proceeded further to consider the 4th amendment of the House of Representatives thereto.

And it was

*Resolved*, To insist on the disagreement to said amendment.

Mr. Bradley, from the Committee on Banks, to whom was referred the memorial of the Directors of the Bank of Montpelier, presented the following Report, which was read,

And, on motion of Mr. J. Barrett,

*Ordered*, To lie upon the table. [See Appendix.]

(H. 116.) Mr. T. T. Barrett, from the Committee on Military Affairs, to whom was referred the House bill entitled "An act relating to the Secretary of Civil and Military Affairs," reported the same, with the opinion that it ought to pass.

And, on motion of Mr. Vilas, said bill was

*Ordered*, To lie upon the table.

Mr. T. T. Barrett, from the same Committee, to whom was referred the resolution on the journal of the 29th ultimo, directing the Governor to collect, repair, &c., certain military property of the State, and the Report of the Quarter Master General, submitted the following report: [See Appendix] which was read,

And, on motion of Mr. Vilas,

*Ordered*, To lie upon the table.

Mr. Winn, from the Joint Committee to whom was referred the subject of the boundary line between the Counties of Windham and Bennington, reported the following resolution, which was read and passed:

*Resolved*, by the Senate and House of Representatives, That the Governor of this State is hereby authorized and directed to appoint a Commissioner, who shall not reside within either of the Counties of Windham and Bennington, whose duty it shall be to ascertain, as near as practicable, the true boundary line between said Counties, in the month August or September next, and make report thereupon to the Legislature at its next annual session.

(S. 46.) Mr. Smith, from the Committee on Education, to whom was referred the bill entitled "An act in addition to an act incorporating

and establishing Norwich University," reported the same, with the opinion that it ought *not* to pass.

And the question being taken, the third reading thereof was refused.

(S. 53.) Mr. Marshall, from the Committee on Roads and Canals, to whom was referred the bill entitled "An act in addition to Chapter 20 of the Revised Statutes, entitled 'Of laying out and discontinuing Highways and Bridges,'" reported the same, without amendment, and recommended its passage.

And the said bill was, thereupon,

*Ordered*, To be engrossed and read the third time.

(S. 54.) Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred the bill entitled "An act relating to persons imprisoned in Jail," reported the same, without amendment, and recommended the passage thereof.

And the said bill was

*Ordered*, To be engrossed and read the third time.

(H. 149.) Mr. Rich, from the Committee on Finance, to whom was referred the House bill entitled "An act to pay Lewis Tucker the sum therein mentioned," reported the same, with the opinion that it ought *not* to pass.

Mr. Vilas moved that the said bill be recommitted to the Committee on Finance.

And it was so ordered.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT:—The House have further considered their 4th amendment to the bill (S. 22) entitled "An act in relation to Common Schools," and have resolved to *insist* thereon; they request a free conference on the disagreeing votes of the two Houses on said amendment, and have appointed Mr. Fairbanks, Mr. Danforth and Mr. Fairchild, managers to conduct said conference on their part.

(S. 44.) The House of Representatives do not concur with the Senate in passing the bill entitled "An act in addition to, and alteration of, Chapter 21 of the Revised Statutes, entitled 'Of Highways and Bridges,'"

The House concur with the Senate in passing bills of the following titles:

(S. 24.) "An act relating to the laying out of Highways, in addition to Chapter 20 of the Revised Statutes." And

(S. 48.) "An act altering the name of Jonas Fish."

(H. 36.) Mr. Hodges, from the Committee on Claims, to whom was referred the House bill entitled "An act to pay Guy C. Sampson the sum therein mentioned," reported the same, without amendment, and recommended its passage.

And the bill was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time.

The question being, Shall the bill pass?

It was decided in the affirmative : { Yeas 20,  
Nays 9.

The yeas and nays, being demanded by Mr. Woodbridge, were as follows:

Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bellows, Bemis, Billings, Bradley, Brownell, Button, Clapp, Fifield, Hodges, Howe, Hurd, Ladd, Marshall, Noyes, Onion, Richardson, Sias, Smith, and Vilas.

Those Senators who voted in the negative, are Messrs. J. Barrett, Campbell, Chittenden, Morgan, Rich, Sabin, Simonds, Winn, and Woodbridge.

So the bill passed.

Mr. Onion, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles:

(S. 34.) "An act to pay William Rounds, Jr., the sum therein mentioned."

(S. 31.) "An act altering the name of Seymour L. Stafford."

(S. 28.) "An act in amendment of Chapter 107 of the Revised Statutes, entitled 'Of Salaries and Fees.'"

(H. 92.) "An act in amendment of the act incorporating the Village of Middlebury."

(H. 108.) "An act to pay the Overseer of the Poor of the town of Montpelier, the sum therein mentioned."

(H. 121.) "An act to assess a tax for the support of Government."

(H. 124.) "An act making appropriations for the support of Government." And

(H. 125.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(S. 50.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the bill entitled "An act in addition to Chapter 49 of the Revised Statutes," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be engrossed and read the third time.

(S. 47.) Mr. Richardson, from the Committee on Manufactures, to whom was referred the bill entitled "An act to incorporate the Vermont Rail Road Iron Company," reported the same, with the proposal to amend as follows:

After the words "component part," in Section 1, insert "in the town of Windsor."

After the word "held," in Section 2, insert "within one year."

Prefix to Section 3, the words "The sum of ten thousand dollars shall be paid in, before said company shall contract any debts, which shall not be diverted from the business of said Company, and."

And the question being, taken these amendments were adopted, and the bill, as amended, was

Ordered, To be engrossed and read the third time.

(H. 117.) Mr. Chittenden, from the Committee on Roads and Canals, to whom was referred the House bill entitled "An act in addition to an act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company, passed Nov. 10, 1835," reported the same, with the proposal so to amend, as that the bill shall take effect from its passage, and thus amended, they recommended its passage.

And the question being taken, the amendment was adopted.

Mr. Bradley moved further to amend said bill, so as to allow the Company to go into operation on a subscription of \$500,000 instead of \$1,000,000, as provided.

And, the question being taken, this amendment was adopted.

And, on motion of Mr. Billings, said bill was

*Ordered*, To lie upon the table.

(H. 110.) Mr. Woodbridge, from the same Committee, to whom was referred the House bill entitled "An act to incorporate the Western Vermont Rail Road Company," reported the same without amendment, and recommended its passage

And it was

*Ordered*, To be read the third time.

And the rule being suspended on motion of Mr. Bradley,

It was thereupon read the third time by its title, and passed in concurrence.

(H. 104.) Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act in addition to Section 37 of Chapter 25 of the Revised Statutes, in relation to exceptions to decisions of County Courts," reported the same, with the opinion that it ought *not* to pass.

And, the question being taken, the third reading thereof was refused.

Mr. Vilas, from the Committee on the Judiciary, to whom was referred the following House bills :

(H. 135.) "An act altering the names of the persons therein mentioned."

(H. 11.) "An act to alter the name of Mary Arabella Parker." And

(H. 107.) "An act altering the name of Calvin Clark, and constituting him an heir at law of Noah Paine and Patty Paine,"

Reported the same, without amendment, and recommended their passage.

And they were, severally,

*Ordered*, To be read the third time.

And the said bills were, thereupon, severally, read the third time, and passed in concurrence.

(S. 53.) The engrossed bill entitled "An act in addition to Chapter 20 of the Revised Statutes, entitled 'Of laying out and discontinuing Highways and Bridges,'" was read the third time and passed.

(S. 22.) The Senate proceeded to consider the request of the House of Representatives for a free conference on the disagreeing votes of the two Houses, on the amendment of the House to the bill entitled "An act in relation to Common Schools."

And it was

*Resolved*, To agree to the conference requested.

And Measrs. Sabin, Smith and Onion, were appointed to conduct the same on the part of the Senate.

Mr. J. Barrett called up the resolution on the table relative to a removal of the sessions of the U. S. District and Circuit Courts, from Windsor and Rutland, to Burlington and Montpelier.

And the question being, Shall the resolution pass?

**It was decided in the negative:** { Yeas 13,  
Nays 16.

The yeas and nays, being demanded by Mr. Onion, were as follows:

Those Senators who voted in the affirmative, are Messrs. Bellows, Bemis, Bradley, Fifield, Ladd, Marshall, Noyes, Onion, Richardson, Sabin, Sias, Smith and Vilas.

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Billings, Brownell, Button, Campbell, Chittenden, Clapp, Hodges, Howe, Hurd, Morgan, Rich, Simonds, Winn and Woodbridge.

So the passage of the resolution was refused.

(S. 57.) Mr. Sabin introduced a bill entitled "An act relating to the University of Vermont."

And it was read the first and second times, and referred to the Committee on Education.

(H. 140.) Mr. Onion, from the Committee on Finance, to whom was referred the House bill entitled "An act in relation to Engrossing Clerks," reported the same, with the opinion that it ought *not* to pass.

And the question being taken, the third reading thereof was refused.

(S. 58.) Mr. Smith introduced a bill entitled "An act to repeal part of an act entitled 'An act relating to Public Accounts,' approved Nov. 12, 1842."

And it was read the first and second times, and referred to the Committee on Finance.

(H. 93.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act relating to subsequent attaching creditors," reported the same, without amendment, but with no expression of the opinion of the Committee as to its passage.

And the said hill was

*Ordered.* To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(S. 54.) The engrossed bill entitled "An act relating to persons imprisoned in jail."

Was read the third time.

And the rule [21st Rule of the Senate] being, on motion of Mr. Vilas, suspended.

The said bill was passed.

**Mr. Sabin, from the Committee on Education, to whom was recommitted the resolution directing the Commissioner of the School Fund to con-**

ed the resolution directing

*Resolved*, by the Senate and House of Representatives, That the Commissioner of the School Fund be directed to postpone the collection of a

missioner of the School Fund to direct to postpone the collection of a certain note on annual interest, signed by George W. Benedict, Heman Allen, Charles Adams, William A. Griswold, William I. Seymour, and William Warner, for the sum of \$3018.78, for the benefit of the University of Vermont, under date of Dec. 17, 1843, and payable to the Commissioner of the School Fund, for the term of two years from the 17th day of December next; provided the signers of said note (except such as are deceased) shall renew the same, with one additional respon-

sible signer, on or before the 17th day of December next, including the interest due and payable, with interest annually.

And, on motion of Mr. Noyes, said resolution was

*Ordered*, To lie upon the table.

The resolution, on the journal of yesterday, providing for an evening session of the Senate, was taken up and passed.

(S. 57.) Mr. Sabin, from the Committee on Education, to whom was referred the bill entitled "An act relating to the University of Vermont," reported the same without amendment, and recommended its passage.

And it was

*Ordered*, To be engrossed and read the third time.

(S. 43.) Mr. Winn, from the Committee on Manufactures, to whom was referred the bill entitled "An act incorporating the Vernon Glass Manufacturing Company," reported the same with the proposal to amend, by substituting a bill therefor making similar provisions.

And the question being taken,

The amendment was adopted, and the bill, as amended,

*Ordered*, To be engrossed and read the third time.

(S. 55.) Mr. Smith, from the Committee on Banks, to whom was referred the bill entitled "An act to increase the Capital of the Bank of Montpelier," reported the same, with the proposal to amend by inserting after the word "Montpelier," in Section 1, the words "*approved the 9th day of November, 1842*," and, thus amended, they recommended the passage thereof.

And the question being taken, the said amendment was adopted.

And the bill, as amended, was

*Ordered*, To be engrossed and read the third time.

On motion of Mr. Billings,  
The Senate adjourned.

## EVENING.

(S. 52.) Mr. Onion called up the bill on the table, entitled "An act in addition to 'an act to provide for a Geological Survey of the State.'"

And it was

*Ordered*, To be engrossed and read the third time.

(S. 59.) Mr. T. T. Barrett introduced a bill entitled "An act incorporating the Plymouth Iron Company."

And it was read the first and second times, and referred to the Committee on Manufactures.

(H. 49.) Mr. Marshall, from the Committee on Roads and Canals, to whom was referred the House bill entitled "An act to amend 'an act to incorporate the Champlain and Connecticut River Rail Road Compa-

ny," reported the same, without amendment, and recommended the passage thereof.

And the said bill was

Ordered, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution directing the Secretary of State to furnish the Directors and Superintendent of the State Prison with a copy of the law relating to the State Prison, and, also, in passing bills of the following titles:

(S. 49.) "An act relating to Highways near the line of adjoining towns."

(S. 37.) "An act in relation to the use of Fire Arms in Villages." And

(S. 12.) "An act in addition to an act relating to Licenses to Innkeepers and Retailers."

The House of Representatives have passed bills of the following titles:

(H. 120.) "An act extending the Charter of the Bank of Bellows Falls."

(H. 119.) "An act in addition to Chapter 28 of the Revised Statutes, entitled 'Of Process.'"

(H. 35.) "An act in relation to the competency of witnesses."

(H. 27.) "An act in relation to Elections."

(H. 98.) "An act relating to the Grand List."

(H. 123.) "An act in addition to Chapter 29 of the Revised Statutes, relating to Trustee Process."

(H. 131.) "An act in addition to an act to incorporate the Middle Falls Manufacturing Company, approved Nov. 11, 1836."

(H. 137.) "An act in addition to Chapter 72 of the Revised Statutes, relating to Usury."

(H. 134.) "An act to incorporate the Jefferson Mining Company."

(H. 147.) "An act to incorporate the Otter Creek Iron Company."

(H. 103.) "An act in amendment of Chapter 107 of the Revised Statutes, in relation to the fees of Town Clerks." And

(H. 146.) "An act incorporating the Washington Iron Company."

The following engrossed bills were taken up, and severally read the third time and passed:

(S. 55.) "An act to increase the Capital of the Bank of Montpelier."

(S. 50.) "An act in addition to Chapter 49 of the Revised Statutes."

(S. 43.) "An act incorporating the Vernon Glass Manufacturing Company."

(S. 47.) "An act to incorporate the Vermont Rail Road Iron Company." And

(S. 57.) "An act in relation to the University of Vermont."

(S. 41.) The Senate took up the engrossed bill on the table, entitled "An act in amendment of Chapter 18 of the Revised Statutes, entitled 'Of Common Schools.'"

And the question being, Shall the bill pass?

It was decided in the negative : { Yeas 12,  
{ Nays 17.

The yeas and nays, being demanded by Mr. Ladd, were as follows : Those Senators who voted in the affirmative, are Messrs. Bellows, Bemis, Brownell, Button, Fifield, Howe, Hurd, Ladd, Marshall, Richardson, Sabin, and Smith.

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Billings, Bradley, Campbell, Chittenden, Clapp, Hodges, Morgan, Noyes, Onion, Rich, Sias, Simonds, Vilas, Winn, and Woodbridge.

So the passage of the bill was refused.

(H. 132.) Mr. Noyes, from the Committee on Claims, to whom was referred the House bill entitled "An act to pay Alvin H. Baker the sum therein mentioned," reported the same, without amendment, and recommended the passage thereof.

And it was

Ordered, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(S. 15.) The Senate took up, as in Committee of the Whole, the bill entitled "An act in relation to interest of money, in addition to Chapter 73 of the Revised Statutes."

And, after making progress therein, reported, as an amendment thereto, a bill as a substitute for said bill, making similar provisions.

And, the question being taken, the amendment was adopted.

Mr. Vilas moved to amend the bill as follows : Add to Section 1, " And that no banking incorporation shall divide to the stockholders thereof a greater sum than \$6.00 upon \$100.00 for one year, on the capital stock paid in, and after that rate for a longer or shorter time."

And, add to Section 2, " nor shall any stockholders, directly or indirectly, receive any greater sum for any dividend on any bank stock he may own in any banking corporation."

And the question being, Will the Senate adopt the amendment ?

It was decided in the negative : { Yeas 10,  
{ Nays 19.

The yeas and nays, being demanded by Mr. Vilas, were as follows :

Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bellows, Campbell, Clapp, Fifield, Howe, Marshall, Noyes, Richardson, and Vilas.

Those Senators who voted in the negative, are Messrs. J. Barrett, Bemis, Billings, Bradley, Brownell, Button, Chittenden, Hodges, Hurd, Ladd, Morgan, Onion, Rich, Sabin, Sias, Simonds, Smith, Winn, and Woodbridge.

So the amendment was rejected.

The question then being, Shall the bill be engrossed and read the third time ?

It was decided in the affirmative : { Yeas 14,  
{ Nays 12.

Those Senators who voted in the affirmative, are Messrs. J. Barrett, Bemis, Billings, Button, Clapp, Morgan, Onion, Rich, Richardson, Sabin, Sias, Simonds, Smith, and Woodbridge.

Those Senators who voted in the negative, are Messrs. T. T. Bar-

rett, Bellows, Campbell, Fifield, Hodges, Howe, Hurd, Ladd, Marshall, Noyes, Vilas, and Winn.

So the bill was

*Ordered*, To be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT :—The House of Representatives have adopted the Report of the Committee of Free Conference on the disagreeing votes of the two Houses, on the bill (S. 22) entitled “An act in relation to Common Schools,” and have resolved to recede from their 4th amendment thereto.

(S. 52.) The engrossed bill on the table, entitled “An act in addition to an act to provide for a Geological Survey of the State,” was taken up.

And it was read the third time.

And the question being, Shall the bill pass?

It was decided in the affirmative : { Yeas 21,  
Nays 7.

The yeas and nays, being demanded by Mr. Richardson, were as follows :

Those Senators who voted in the affirmative, are Messrs. J. Barrett, Bemis, Billings, Bradley, Brownell, Button, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Marshall, Morgan, Onion, Rich, Sabin, Sias, Simonds, Smith and Woodbridge.

Those Senators who voted in the negative, are Messrs. T. T. Barrett, Bellows, Fifield, Noyes, Richardson, Vilas, and Winn.

So the bill passed.

(S. 15.) The engrossed bill entitled “An act relating to interest of money, in addition to Chapter 72 of the Revised Statutes,” was read the third time.

The question being, Shall the bill pass?

The Senate was equally divided : { Yeas 14,  
Nays 14.

The yeas and nays, being demanded by Mr. J. Barrett, were as follows :

Those Senators who voted in the affirmative, are Messrs. J. Barrett, Bemis, Billings, Button, Clapp, Morgan, Onion, Rich, Richardson, Sabin, Sias, Simonds, Smith, and Woodbridge.

Those Senators who voted in the negative, are Messrs. T. T. Barrett, Bellows, Bradley, Brownell, Chittenden, Fifield, Hodges, Howe, Hurd, Ladd, Marshall, Noyes, Vilas, and Winn.

And the Secretary, thereupon, took the casting vote of the President, which was in the affirmative.

So the bill passed.

Mr. Vilas moved a reconsideration of the vote just taken, ordering the passage of the bill.

And the question being, Will the Senate reconsider the said vote?

It was decided in the affirmative : { Yeas 16,  
Nays 13.

The yeas and nays, being demanded by Mr. J. Barrett, were as follows :

Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bellows, Bradley, Brownell, Campbell, Chittenden, Clapp, Fifield, Hodges, Howe, Hurd, Ladd, Marshall, Noyes, Vilas, and Winn.

Those Senators who voted in the negative, are Messrs. J. Barrett, Bemis, Billings, Button, Morgan, Onion, Rich, Richardson, Sabin, Sias, Simonds, Smith, and Woodbridge.

So the said vote was reconsidered.

The question again recurring, Shall the bill pass?

It was decided in the negative : { Yeas 14,  
Nays 15.

The yeas and nays, being demanded by Mr. J. Barrett, were as follows:

Those Senators who voted in the affirmative, are Messrs. J. Barrett, Bemis, Billings, Button, Clapp, Morgan, Onion, Rich, Richardson, Sabin, Sias, Simonds, Smith, and Woodbridge.

Those Senators who voted in the negative, are Messrs. T. T. Barrett, Bellows, Bradley, Brownell, Campbell, Chittenden, Fifield, Hodges, Howe, Hurd, Ladd, Marshall, Noyes, Vilas, and Winn.

So the passage of the bill was refused.

(S. 51.) Mr. Smith, from the Select Committee, to whom was referred the resolution relative to the operation and effect of the existing License Laws, and the bill entitled "An act to repeal all laws regulating the sale of Spirituous Liquors, Wine, Ale, or Beer, reported said bill adversely, and submitted the following Report, [see Appendix] and recommended the passage of the bill accompanying the said Report, (S. 60) entitled "An act in addition to 'an act relating to Licenses to Inn-keepers and Retailers.'"'

And the said bill was read the first and second times, and

**Ordered.** To be engrossed and read the third time.

And, on motion of Mr. Noyes, the bill entitled "An act to repeal all laws regulating the sale of Spirituous Liquors, Ale, or Beer," was

**Ordered.** To lie upon the table.

The following House bills were severally read the first and second times, and referred:

- (H. 147.) House bill No. 147,  
 (H. 146.) House bill No. 146,  
 (H. 131.) House bill No. 131, and  
 (H. 134.) House bill No. 134, to the Committee on Manufactures.  
 (H. 35.) House bill No. 35,  
 (H. 137.) House bill No. 137,  
 (H. 123.) House bill No. 123,  
 (H. 103.) House bill No. 103, and  
 (H. 119.) House bill No. 119, to the Committee on the Judiciary.  
 (H. 98.) House bill No. 98, to the Committee on Roads and Canals.  
 (H. 27.) House bill No. 27, to the Committee on Elections. And  
 (H. 120.) House bill No. 120, to the Committee on Banks.

Mr. Clapp moved a reconsideration of the vote by which the Senate refused to pass the resolution relative to a removal of the sessions of the U. S. District and Circuit Courts.

And the question being, Will the Senate so reconsider?

It was decided in the affirmative : { Yeas 15.  
Nays 13.

The yeas and nays, being demanded by Mr. Vilas, were as follows :

Those Senators who voted in the affirmative, are Messrs. Bellows, Bemis, Bradley, Button, Clapp, Fifeild, Ladd, Marshall, Noyes, Onion, Richardson, Sabin, Simonds, Smith and Vilas.

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Billings, Brownell, Campbell, Chittenden, Hodges, Howe, Hurd, Morgan, Rich, Sias, and Winn.

So it was

*Resolved*, To consider said vote ; and,

On motion of Mr. Vilas, said resolution was

*Ordered*, To lie upon the table, and be made the special order for tomorrow morning at 9 o'clock.

(S. 56.) Mr. Rich, from the Committee on Finance, to whom was referred the bill entitled "An act relating to the sale of Goods, Wares, and Merchandise, at Auction," reported the same, with the opinion that it ought *not to pass*.

And the question being taken, the third reading thereof was refused.

(H. 91.) Mr. Hodges, from the Committee on Claims, to whom was referred the House bill entitled, "An act to pay Lewis N. Flint the sum therein mentioned," reported the same without amendment, and recommended the passage thereof.

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed in concurrence.

(H. 117.) Mr. Vilas called up the House bill, on the table, entitled, "An act in addition to 'an act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company,' passed Nov. 10, 1835."

And the question being, Shall the bill pass ?

It was decided in the affirmative.

So the bill was passed in concurrence.

On motion of Mr. J. Barrett,  
The Sénate adjourned.

## WEDNESDAY, NOVEMBER 5, 1845.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. J. Barrett presented the following resolution, which was read, and, on his motion,

*Ordered*, To lie upon the table.

*Resolved*, That as to so much of the Report of the Committee on Banks, on the Memorial of the Directors of the Bank of Montpelier, as relates to the construction of the 18th section of the General Banking Law passed in 1840, the Senate are of opinion that the construction put thereon by the Bank Commissioner, in his last annual Report, is correct.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs :

Mr. PRESIDENT :—I am directed by the Governor to announce to the Senate that he has approved and signed bills of the following titles :

(S. 28.) “An act in amendment of chapter 107 of the Revised Statutes, entitled, ‘Of Salaries and Fees.’”

(S. 31.) “An act altering the name of Seymour L. Stafford.” And

(S. 34.) “An act to pay William Rounds, Jr., the sum therein mentioned.”

Mr. Hurd, from the Committee on Claims, to whom was referred the memorial of Israel Warner and others, reported the same, and moved that the memorialists have leave to withdraw their memorial.

And it was so ordered.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT :—The House of Representatives concur with the Senate in their amendment to the bill (H. 117) entitled “An act in addition to ‘an act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company,’ passed Nov. 10, 1835,” and in passing the resolution authorizing the Governor to appoint a Commissioner to ascertain the boundary line between the counties of Bennington and Windham.

(S. 25.) The House do *not* concur with the Senate in passing the bill entitled, “An act for the relief of Creditors.”

The House have passed a resolution directing the Secretary of State to ascertain whether appropriate accommodations for the sessions of the General Assembly will be afforded at Burlington or Windsor, in which they request the concurrence of the Senate.

The Governor has announced to the House that he has approved and signed bills of the following titles :

(H. 92.) “An act in amendment of the act incorporating the village of Middlebury.”

(H. 121.) "An act to assess a tax for the support of Government."

(H. 124.) "An act making appropriations for the support of Government."

(H. 108.) "An act to pay the Overseer of the Poor of the town of Montpelier, the sum therein mentioned."

(H. 125.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(S. 58.) Mr. Rich, from the Committee on Finance, to whom was referred the bill entitled "An act to repeal part of an act, entitled 'an act relating to Public Accounts,' approved Nov. 12, 1842," reported the same without amendment, and recommended its passage.

And it was

Ordered, To be engrossed and read the third time.

Mr. Noyes presented the following resolution :

*Resolved, by the Senate and House of Representatives,* That both Houses meet in Joint Assembly, at 4 o'clock, this afternoon, for the purpose of electing a State Superintendent of Common Schools.

And it was read, and,

On motion of Mr. J. Barrett,

Ordered, To lie upon the table.

(H. 101.) Mr. Smith, from the Committee on Education, to whom was referred the House bill, entitled "An act to abolish the School Fund," reported the same, with the opinion that it ought *not* to pass.

Mr. Vilas moved to amend the said bill, by inserting, in lieu of section 5, two sections, providing that the act shall not take effect until the 1st day of November, 1846; and also providing that the question of abolishing the School Fund be submitted to the several towns in the State, to be voted upon at the next Freeman's meeting, and if it should be found that a majority of the towns had voted against such abolition, that this act should be null.

And, on motion of Mr. Billings, the bill was

Ordered, To lie upon the table.

Mr. Hodges, from the Select Committee raised under the resolution on the journal of the 29th ult., relating to the expenses, for the past four years, of recording Pay Rolls and other Revolutionary Papers, submitted the following Report. (See Appendix.)

Mr. Sabin, from the Joint Committee under the 5th Joint Rule, to whom were referred the communication of the Governor on the journal of the 1st instant, and the Report of Henry Stevens, accompanying said communication, reported the following resolutions, and recommended their passage :

1st. *Resolved, by the Senate and House of Representatives,* That His Excellency the Governor is hereby authorized to take such measures as he may deem expedient, to procure the originals, if practicable, if not, copies, of all such documents in the Public Offices of Great Britain, or elsewhere in Europe, as, in his judgment, may serve to complete the records, or to illustrate the early history of this State; and, that the Governor be authorised to draw his warrant on the Treasury, on the delivery of such papers, for such sums as he may think proper, not exceeding, in the aggregate, three hundred dollars.

2d. *Resolved*, That His Excellency the Governor is hereby authorized to take such measures as he may deem expedient, to procure the originals, if practicable, if not, copies, of all such documents as may be found in the State Departments of other States, and in the hands of individuals, which go to illustrate the early history of this State, and that the Auditor be directed to audit the account therefor, and draw an order on the Treasurer for a sum not exceeding two hundred dollars.

3d. *Resolved*, That His Excellency the Governor is hereby authorized to procure to be arranged and bound, such papers as relate to Revolutionary Expenditures, formerly pertaining to the Treasurer's Office; and the Auditor is hereby directed to audit the account therefor, and draw an order on the Treasurer for a sum not exceeding      dollars.

And the said resolutions were read.

The question being taken, on the motion of Mr. Hodges, separately,  
The first resolution was passed.

Mr. Hodges moved to amend the second resolution, by striking out the word "two" before "hundred," and inserting the word "one."

And it was so ordered, and

The resolution, as amended, passed.

Mr. Sabin moved to fill the blank in the third resolution, by inserting the word "twenty."

And it was so ordered, and the resolution, as amended, passed.

(H. 98.) Mr. Chittenden, from the Committee on Roads and Canals, to whom was referred the House bill entitled "An act relating to the Grand List," reported the same, without amendment, and recommended its passage.

And, on motion of Mr. Smith, it was

*Ordered*, To lie upon the table.

The special order being the resolution relative to a removal of the sessions of the United States District and Circuit Courts, was taken up.

And, on motion of Mr. Onion, it was again

*Ordered*, To lie upon the table.

(H. 134.) Mr. Richardson, from the Committee on Manufactures, to whom was referred the House bill entitled "An act to incorporate the Jefferson Mining Company," reported the same, with the proposal to amend by adding a provision subjecting the act to the provisions of Chapter 79 of the Revised Statutes, and thus amended, recommended the passage of the bill.

And, the question being taken, the amendment was adopted.

And the bill, as amended, was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed.

(H. 146.) Mr. Richardson, from the same Committee, to whom was referred the House bill entitled "An act incorporating the Washington Iron Company," reported the same, without amendment, and recommended its passage.

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed.

(H. 27.) Mr. Fifield, from the Committee on Elections, to whom was referred the House bill entitled "An act in relation to Elections," reported the same, with the opinion that it ought *not* to pass.

And, the question being taken,

The third reading thereof was refused.

(S. 59.) Mr. Billings, from the Committee on Manufactures, to whom was referred the bill entitled "An act incorporating the Plymouth Iron Company," reported the same, with the proposal to amend by inserting in Section 5, after the word "*debts*," the words "*which sum shall not be diverted from the business of the Company*;" and thus amended, recommended the passage thereof.

And, the question being taken, the amendment was adopted.

And the bill was

*Ordered*, To be engrossed and read the third time.

(H. 142.) Mr. Sabin, from the Committee on Education, to whom was referred the House bill, entitled "An act to incorporate the Brattleboro' Infirmary," reported the same, without amendment, and recommended its passage.

Mr. Sabin moved to amend Section 4, by striking out the words "*number of shares*," and inserting the word "*amount*," in lieu thereof.

And it was so ordered.

Mr. Richardson moved to amend the bill by adding an additional Section, as follows : "Section 8. *This act shall be subject to the provisions of Chapter 79 of the Revised Statutes of this State, entitled 'Of Private Corporations.'*"

And it was so ordered.

And the question being, Shall the bill be read the third time ?

It was decided in the affirmative : { Yeas 19,  
Nays 3.

The yeas and nays, being demanded by Mr. Onion, were as follows :

Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bellows, Bemis, Billings, Brownell, Chittenden, Clapp, Fifield, Howe, Hurd, Ladd, Marshall, Noyes, Rich, Richardson, Sabin, Simonds, Smith, and Winn.

Those Senators who voted in the negative, are Messrs. Morgan, Onion, and Woodbridge.

So the bill was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time and passed.

Mr. Onion, from the Committee on Bills, reported that they had submitted to the Governor, for his approval and signature, bills of the following titles :

(H. 49.) "An act to amend 'an act to incorporate the Champlain and Connecticut River Rail Road Company.'"

(S. 37.) "An act in relation to the use of Fire Arms in Villages."

(S. 12.) "An act in addition to 'an act relating to Licensees to Inn Keepers and Retailers.'"

(S. 48.) "An act altering the name of Jonas Fish."

(S. 24.) "An act relating to the laying out of Highways, in addition to Chapter 20 of the Revised Statutes."

(H. 132.) "An act to pay Alvin H. Baker the sum thereina mentioned."

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- (H. 93.) "An act relating to subsequent Attaching Creditors."  
 (H. 36.) "An act to pay Guy C. Sampson the sum therein mentioned."  
 (H. 11.) "An act to alter the name of Mary Arabella Parker."  
 (H. 107.) "An act altering the name of Calvin Clarke, and constituting him heir at law of Noah Paine and Patty Paine."  
 (S. 49.) "An act relating to Highways near the line of adjoining towns."  
 (H. 135.) "An act altering the names of the persons therein mentioned." And  
 (S. 22.) "An act relating to Common Schools."

On motion of Mr. Hurd,  
 The Senate adjourned.

#### AFTERNOON.

On motion of Mr. J. Barrett, it was

*Resolved*, That the vote passing the House bill (H. 134) entitled "An act to incorporate the Jefferson Mining Company," be reconsidered.

Mr. J. Barrett, thereupon, moved to amend said bill by striking out the 4th Section, and inserting as follows:

"Sec. 4. Said Company shall not contract debts so as to have the amount of indebtedness of said Company at any time exceed three-fourths of the amount of capital stock actually paid in."

And it was so ordered.

And the question recurring, Shall the bill pass?

It was decided in the affirmative.

So the bill passed.

(H. 21.) Mr. Bradley, from the Committee on Banks, to whom was referred the House bill entitled "An act to incorporate the Bank of Black River," reported the same without amendment, and recommended the passage thereof.

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed.

(H. 120.) Mr. Sias, from the Committee on Banks, to whom was referred the House bill entitled "An act extending the Charter of the Bank of Bellows Falls," reported the same without amendment, and recommended its passage.

And it was

*Ordered*, To be read the third time.

And the question being, Shall the bill pass?

It was decided in the affirmative: { Yeas 21,  
Nays 6.

The yeas and nays, being demanded by Mr. Vilas, were as follows:

Those Senators who voted in the affirmative, are Messrs. J. Barrett, T. T. Barrett, Bemis, Billings, Bradley, Button, Chittenden, Hodges, Howe, Hurd, Ladd, Morgan, Noyes, Onion, Rich, Sabin, Sias, Simonds, Smith, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. Bellows, Brownell, Clapp, Fifield, Richardson, and Vilas.

So the bill passed.

The Senate took up the resolution on the table relative to a removal of the sessions of the U. S. District and Circuit Courts.

Mr. J. Barrett moved to amend the same by striking out the word "Montpelier," and inserting "Chelsea" in lieu thereof.

And, the question being taken,

It was decided in the affirmative : { Yeas 15,  
Nays 14.

The yeas and nays, being demanded by Mr. Smith, were as follows : Those Senators who voted in the affirmative, are Messrs. J. Barrett, T. T. Barrett, Billings, Brownell, Button, Chittenden, Fifield, Hodges, Howe, Hurd, Morgan, Page, Vilas, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. Bellows, Bemis, Bradley, Clapp, Ladd, Marshall, Noyes, Onion, Rich, Richardson, Sabin, Sias, Simonds, and Smith.

So the amendment was adopted.

And the question being, Shall the resolution pass ?

It was decided in the affirmative : { Yeas 16,  
Nays 13.

The yeas and nays, being demanded by Mr. J. Barrett, were as follows :

Those Senators who voted in the affirmative, are Messrs. Bellows, Bemis, Bradley, Clapp, Fifield, Ladd, Marshall, Noyes, Onion, Page, Richardson, Sabin, Sias, Simonds, Smith, and Vilas.

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Billings, Brownell, Button, Chittenden, Hodges, Howe, Hurd, Morgan, Rich, Winn, and Woodbridge.

So the resolution passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT:—The House of Representatives concur with the Senate in passing bills of the following titles :

(S. 57.) "An act relating to the University of Vermont." And  
(S. 38.) "An act relating to Public Accounts."

They do not concur with the Senate in passing the bills entitled :

(S. 53.) An act in addition to Chapter 20 of the Revised Statutes, entitled "Of laying out and discontinuing Highways and Bridges." And

"An act in addition to an act to provide for a Geological Survey of the State."

The House have considered the bills from the Senate entitled :

(S. 43.) "An act incorporating the Vernon Glass Manufacturing Company." And

(S. 47.) "An act to incorporate the Vermont Rail Road Iron Company."

And have resolved to pass the same with amendments, in which they request the concurrence of the Senate.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to announce to the Senate that he has, this day, approved and signed the bill (S. 22) entitled “An act relating to Common Schools.”

The Senate took up the resolution on the table, providing for a Joint Assembly this afternoon at 4 o'clock, to elect a State Superintendent of Common Schools.

And it was passed.

Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the resolutions on the journal of the 4th instant, relative to papers connected with the Surveyor General's Department, reported the same, with the proposal to amend as follows:

Add to first resolution the words “*the expense thereof not to exceed \$50.*”

Strike out from third resolution, the words, “*Henry Stevens, President of.*”

And thus amended, recommended that said resolutions pass.

And the amendments were adopted.

And the resolutions passed.

Mr. Rich presented the following resolution, which was read and passed:

*Resolved*, by the Senate and House of Representatives, That the Report of the Auditor of Accounts, and the Report of the State Geologist, be excluded from the printed journals of the present session of the General Assembly.

(H. 103.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the House bill entitled “An act in amendment of Chapter 107 of the Revised Statutes, in relation to Fees of Town Clerks,” reported the same, with the opinion that it ought *not* to pass.

And, the question being taken,

The third reading thereof was refused.

(S. 5.) Mr. Hurd, from the Committee on Claims, to whom was referred the bill entitled “An act directing the Treasurer to pay Richard F. Abbott the sum therein mentioned,” reported the same, with the opinion that it ought *not* to pass.

And, on motion of Mr. Smith, said bill was

*Ordered*, To lie upon the table.

(H. 35.) Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred the House bill entitled “An act in relation to the competency of Witnesses,” reported the same, with the opinion that it ought *not* to pass.

And, the question being taken,

The third reading thereof was refused.

(H. 145.) Mr. Rich, from the Committee on Finance, to whom was re-committed the House bill entitled “An act to pay Lewis Tuck-

er the sum therein mentioned," reported the same, without amendment, and with no expression of opinion as to its passage.

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time.

The question being, Shall the bill pass?

It was decided in the affirmative : { Yeas 21,  
Nays 7.

The yeas and nays, being demanded by Mr. Wins., were as follows: Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bellows, Bernis, Billings, Bradley, Brownell, Button, Clapp, Field, Howe, Marshall, Morgan, Noyes, Onion, Page, Richardson, Sabin, Sias, Simonds, Smith, and Vilas.

Those Senators who voted in the negative, are Messrs. Chittenden, Hodges, Hurd, Ladd, Rich, Winn, and Woodbridge.

So the bill passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have considered the amendments of the Senate to the bills entitled :

(H. 134.) "An act to incorporate the Jefferson Mining Company."

And

(H. 142.) "An act to incorporate the Brattleboro' Infirmary." And have adopted the same in concurrence.

(S. 55.) The House have passed the bill from the Senate, entitled "An act to increase the Capital of the Bank of Montpelier," and the resolution providing for a Joint Assembly of the two Houses, at 4 o'clock this afternoon, with amendments, in which they request the concurrence of the Senate.

The House concur with the Senate in passing bills of the following titles :

(S. 50.) "An act in addition to chapter 49 of the Revised Statutes."

(S. 54.) "An act relating to persons imprisoned in Jail." And

(S. 39.) "An act in amendment of 'an act in addition to chapter 19 of the Revised Statutes, relating to the instruction of the Deaf, Dumb, and Blind,' passed Nov. 12, 1842."

The House have considered the resolutions from the Senate, relating to Documents illustrative of the early history of this State, and *concur* in passing the 2d and 3d, and do *not* concur in passing the 1st of said resolutions.

The Senate proceeded to consider the amendment of the House of Representatives to the resolution providing for a Joint Assembly to elect a State Superintendent of Common Schools, which was to add the words, "*and to confirm county nominations.*"

And it was

*Resolved*, To adopt said amendment in concurrence.

Mr. Onion, from the Committee on Bills, reported that they had submitted to the Governor, for his approval and signature, bills of the following titles :

(S. 50.) "An act in addition to Chapter 49 of the Revised Statutes."

(H. 110.) "An act to incorporate the Western Vermont Rail Road Company."

(H. 117.) "An act in addition to 'an act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company,' passed Nov. 10, 1835."

(H. 91.) "An act to pay Lewis N. Flint the sum therein mentioned."

(H. 49.) "An act to amend 'an act to incorporate the Champlain and Connecticut River Rail Road Company.'"

(S. 54.) "An act relating to persons imprisoned in Jail."

(H. 142.) "An act to incorporate the Brattleboro Infirmary."

(S. 57.) "An act relating to the University of Vermont."

(S. 39.) "An act in amendment of 'an act in addition to Chapter 19 of the Revised Statutes, relating to the instruction of the Deaf, Dumb, and Blind,' passed Nov. 12, 1842." And

(H. 134.) "An act to incorporate the Jefferson Mining Company."

(H. 147.) Mr. Billings, from the Committee on Manufactures, to whom was referred the House bill entitled "An act to incorporate the Otter Creek Iron Company," reported the same, with proposals of amendment as follows: Strike out from Section 5, all after the word "Company," and insert, "*and it shall not be lawful for said Corporation to contract debts, or at any time be indebted, to an amount exceeding three-fourths of the amount of Capital Stock actually paid in;*" and thus amended, recommended the passage of the bill.

(H. 137.) Mr. J. Barrett, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act in addition to Chapter 72 of the Revised Statutes, relating to Usury," reported the same without amendment, and recommended its passage.

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time.

And the question being, Shall the bill pass?

It was decided in the negative: { Yeas 14.  
Nays 15.

The yeas and nays, being demanded by Mr. J. Barrett, were as follows:

Those Senators who voted in the affirmative, are Messrs. J. Barrett, Bemis, Billings, Brownell, Button, Hurd, Ladd, Morgan, Onion, Rich, Sabin, Simonds, Smith, and Woodbridge.

Those Senators who voted in the negative, are Messrs. T. T. Barrett, Bellows, Bradley, Chittenden, Clapp, Fifield, Hodges, Howe, Marshall, Neyes, Page, Richardson, Sias, Vilas, and Winn.

So the bill was rejected.

Mr. Winn, from the Committee on Manufactures, to whom was referred the following House bills:

(H. 106.) "An act to incorporate the Springfield Paper Mill Company."

(H. 136.) "An act to incorporate the Windham Slate and Mineral Company."

(H. 128.) "An act to incorporate the American Exploring, Mining, and Manufacturing Company." And

(H. 131.) "An act in addition to 'an act to incorporate the Middle Falls Manufacturing Company,' approved Nov. 11, 1836."

Reported said bills with propositions of amendment to each, as follows: House bill No. 106 : Insert after the word "*provisions*," in Section 4, "*of Chapter 79 of the Revised Statutes, and.*"

House bill No. 136 : Section 1, strike out "or," after "explorations," and add "Section 6. This act shall be subject to the provisions of Chapter 79 of the Revised Statutes, entitled 'Of Private Corporations.'"

House bill No. 128 : To section 5, add, "and it shall not be lawful for said Corporation to contract debts to an amount exceeding the amount of Capital Stock actually paid in;" and add "Section 6. This act shall be subject to the provisions of Chapter 79 of the Revised Statutes, entitled 'Of Private Corporations.'"

House bill No. 131 : Add "This act shall be subject to the provisions of Chapter 79 of the Revised Statutes, entitled 'Of Private Corporations.'"

And the amendments proposed to said bills were adopted.

And they were, severally,

*Ordered*, To be read the third time.

And they were, thereupon, severally, read the third time, and passed.

(H. 123) Mr. Woodbridge, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act in addition to Chapter 29 of the Revised Statutes, relating to Trustee Process," reported the same without amendment, and recommended its passage.

And, on motion of Mr. Vilas, said bill was

*Ordered*, To lie upon the table.

The Senate proceeded to consider the amendments of the House of Representatives to the bills entitled:

(S. 43.) "An act to incorporate the Vernon Glass Manufacturing Company." And

(S. 47.) "An act to incorporate the Vermont Rail Road Iron Company."

And it was

*Resolved*, To adopt the same in concurrence.

Mr. Smith presented the following resolution, which was read and passed :

*Resolved*, by the Senate and House of Representatives, That the Treasurer, as Commissioner of the School Fund, is hereby instructed to sell, at private sale or public auction, as he may deem best, the House and Lot in Woodstock, belonging to said Fund, said property having become a part of said Fund, by reason of the foreclosure of the Mortgage on the same; and the Auditor of Accounts is directed to audit his account for the same; and the said Treasurer, as Commissioner aforesaid, is hereby authorized to deed and convey the same.

(H. 119.) Mr. Vilas, from the Committee on the Judiciary, to whom was referred the House bill entitled "An act in addition to Chapter 28 of the Revised Statutes, entitled 'Of Process,'" reported the same without amendment, and recommended its passage.

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed.

On motion of Mr. J. Barrett,  
The Senate adjourned.

EVENING.

(S. 55.) The Senate took up the amendments of the House to the bill entitled "An act to increase the Capital of the Bank of Montpelier."

And it was

*Resolved*, To adopt the same in concurrence.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs :

MR. PRESIDENT:—I am directed by the Governor to announce to the Senate that he has approved and signed bills of the following titles:

(S. 37.) "An act in relation to the use of Fire Arms in Villages."

(S. 48.) "An act altering the name of Jonas Fish."  
(S. 24.) "An act relating to the laying out of Highways, in addition to Chapter 20 of the Revised Statutes." -

(S. 49.) "An act relating to Highways near the line of adjoining towns."

(S. 12.) "An act in addition to 'an act relating to Licenses to Inn-keepers and Retailers.'"

(H. 123.) Mr. Vilas called up the House bill on the table, entitled "An act in addition to Chapter 29 of the Revised Statutes, relating to Trustee Process," and offered the following amendments thereto:

1st. "Strike out all after the word 'whatever,' and insert 'any Trustee may have in his hands or possession which he holds against law and equity,'"

2d. Add "Section 2. 'This act shall not operate retrospectively on any matter whatever.'"

And, the question being taken, the *first* amendment was adopted.

And the question being, Will the Senate adopt the second amendment?

It was decided in the negative : { Years 14,  
Nays 15.

The yeas and nays, being demanded by Mr. Rich, were as follows: Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bellows, Bradley, Clapp, Fifield, Howe, Marshall, Noyes, Onion, Richardson, Sabine, Simonds, Vilas, and Winn.

Those Senators who voted in the negative, are Messrs. J. Barrett, Bemis, Billings, Brownell, Button, Chittenden, Hodges, Hurd, Ladd, Morgan, Page, Rich, Sias, Smith, and Woodbridge.

So the second amendment was rejected.

Mr. Woodbridge moved to amend said bill by adding "Section 2.  
*This act shall take effect from its passage.*"

And the question being, Will the Senate so amend?

It was decided in the negative: { Yeas 7,  
Nays 22.  
The yeas and nays, being demanded by Mr. Vilas, were as fol-

Those Senators who voted in the affirmative, are Messrs. Billings,

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Bradley, Button, Chittenden, Clapp, Fifield, Hodges, Howe, Ladd, Marshall, Morgan, Noyes, Rage, Richardson, Sabin, Simonds, Smith, Vilas, and Winn.

So the amendment was rejected.

The question then being, Shall the bill pass?

It was decided in the affirmative : { Yeas 21,  
Nays 8.

The yeas and nays, being demanded by Mr. Fifield, were as follows:

Those Senators who voted in the affirmative, are Messrs. J. Barrett, Bemis, Billings, Brownell, Button, Clapp, Hodges, Howe, Hurd, Ladd, Marshall, Morgan, Onion, Page, Rich, Richardson, Sabin, Sias, Simonds, Smith, and Woodbridge.

Those Senators who voted in the negative, are Messrs. T. T. Barrett, Bellows, Bradley, Chittenden, Fifield, Noyes, Vilas, and Winn.

So the bill passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution relative to a removal of the sessions of the United States District and Circuit Courts; the resolution directing the exclusion from the journals of the two Houses, of the Reports of the Auditor of Accounts, and the State Geologist; the resolution directing the Commissioner of the School Fund to sell a House and Lot in Woodstock, belonging to said Fund; and the resolutions relative to Papers connected with the Surveyor General's Department, and other matters.

The Governor has announced to the House of Representatives that he has approved and signed bills of the following titles:

(H. 132.) "An act to pay Alvin H. Baker the sum therein mentioned."

(H. 135.) "An act altering the names of the persons therein mentioned."

(H. 11.) "An act to alter the name of Mary Arabella Parker."

(H. 93.) "An act relating to subsequent Attaching Creditors." And

(H. 107.) "An act altering the name of Calvin Clark, and constituting him an heir at law of Noah Paine and Patty Paine."

(H. 101.) Mr. Sabin called up the House bill, on the table, entitled "An act to abolish the School Fund."

And the question pending being on the adoption of the amendment moved by Mr. Vilas, as follows:

Strike out the 5th Section and insert,

"Section 5. This act shall not take effect until the first day of November, 1846, nor until a majority of the towns in this State shall have given their assent thereto as hereinafter provided."

"Section 6. The Selectmen of each town in this State shall insert an article in the warning for the next annual March Meeting of their several towns, of the following tenor, to wit: 'To see if the town will recommend that the State School Fund be abolished;' and at the several March Meetings the question shall be submitted to the legal voters for their decision; and it shall be the duty of the several town Clerks to forward to the Secre-

*tary of State, on or before the second Thursday of October next, a copy of the record of such decision; and if a majority of the towns shall be against the abolition of the School Fund, then this act shall be null and void."*

It was decided in the negative : { Yeas 7,  
Nays 20.

The yeas and nays, being demanded by Mr. Richardson, were as follows :

Those Senators who voted in the affirmative, are Messrs. Fifield, Marshall, Noyes, Page, Richardson, Smith, and Vilas.

Those Senators who voted in the negative, are Messrs. T. T. Barrett, Bemis, Billings, Bradley, Brownell, Button, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Morgan, Onion, Rich, Sabin, Sias, Simonds, Winn, and Woodbridge.

So the amendment was rejected.

The question then being, Shall the bill be read the third time ?

It was decided in the affirmative : { Yeas 20,  
Nays 7.

The yeas and nays, being demanded by Mr. Page, were as follows :

Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bemis, Billings, Bradley, Brownell, Button, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Morgan, Onion, Rich, Sabin, Sias, Simonds, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. Fifield, Marshall, Noyes, Page, Richardson, Smith, and Vilas.

So the bill was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time.

Mr. Vilas moved to amend as follows :

Strike out all after the enacting clause, and insert the following :

*"The Commissioner of the State School Fund shall distribute, annually, on the first day of October, the interest of said fund, together with all sums that may hereafter be received by him, in consequence of appropriations which have been, or may hereafter be, made by the Legislature for the increase, or accumulation of said fund, to the several towns in the State, in proportion to the population of each town, as ascertained by the census then last taken, to be appropriated by said towns for the support of Common Schools."*

*"Section 2. The money appropriated by the first Section, shall be paid by the Commissioner to the order of the Selectmen of each town, and by them paid into the Treasury of such town, and if any town shall refuse or neglect to apply for its share of money at the end of each year, or within three months thereafter, the same shall be held, and constitute a part of said Fund."*

And the question being, Will the Senate so amend ?

It was decided in the negative : { Yeas 7,  
Nays 20.

The yeas and nays, being demanded by Mr. Vilas, were as follows :

Those Senators who voted in the affirmative, are Messrs. Fifield, Marshall, Noyes, Page, Richardson, Smith, and Vilas.

Those Senators who voted in the negative, are Messrs. T. T. Barrett, Bemis, Billings, Bradley, Brownell, Button, Chittenden, Clapp,

Hodges, Howe, Hurd, Ladd, Morgan, Onion, Rich, Sabin, Sias,  
Simonds, Winn, and Woodbridge.

So the amendment was rejected.

The question then being, Shall the bill pass?

It was decided in the affirmative : { Yea 20,  
Nays 7.

The yeas and nays, being demanded by Mr. Smith, were as follows: Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bemis, Billings, Bradley, Brownell, Button, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Morgan, Onion, Rich, Sabin, Sias, Simonds, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. Fifield, Marshall, Noyes, Page, Richardson, Smith, and Vilas.

So the bill passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT:—The House of Representatives have considered the amendments of the Senate to the following bills:

(H. 147.) "An act to incorporate the Otter Creek Iron Company."

(H. 136.) "An act to incorporate the Windham Slate and Mineral Company."

(H. 106.) "An act to incorporate the Springfield Paper Mill Company."

(H. 128.) "An act to incorporate the American Exploring, Mining, and Manufacturing Company."

(H. 131.) "An act in addition to an act to incorporate the Middle Falls Manufacturing Company, approved Nov. 11, 1836." And

(H. 123.) "An act in addition to Chapter 29 of the Revised Statutes, relating to Trustee Process."

And have resolved to adopt the said amendments in concurrence.

The House have passed a resolution relative to the public Military property of the State, in which they request the concurrence of the Senate.

The Senate took up the resolutions reported by the Committee on Military Affairs, which were as follows:

*Resolved*, by the Senate and House of Representatives, That the Governor be requested to apply to the Secretary of War, for such an extension of the privilege heretofore granted to this State, for storing munitions of War in the United States Arsenal at Vergennes, as will be sufficient to meet the existing wants of this State in that respect.

*Resolved*, That if such application shall be successful, the Quarter Master General be directed to cause all the Military property of the State, not lawfully distributed and held by the Militia, to be collected and placed in said Arsenal for repairs and safe keeping.

And said resolutions were read and passed.

The resolutions from the House of Representatives, directing the Governor forthwith to cause certain Military property of the State to be collected and repaired, and placed in safe keeping, was taken up and read.

And it was

*Resolved*, Not to concur in the passage thereof.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT :—I am directed to announce to the Senate, that the Governor has returned to the House of Representatives the bill (H. 36) entitled “ An act to pay Guy C. Sampson the sum therein mentioned,” which has heretofore passed the two Houses, together with his objections to giving the same his approbation and signature, and that the House have reconsidered the said bill, and resolved again to pass the same; and I am further directed to transmit the said bill, with the objections of the Governor thereto, to the Senate, for their action.

The objections of the Governor to the bill entitled “ An act to pay Guy C. Sampson the sum therein mentioned,” were thereupon read, and are as follows :

*To the House of Representatives :*

I have received and considered a bill presented to me for approval, entitled “ An act to pay Guy C. Sampson the sum therein mentioned,” and herewith return the same, with my objections thereto, to the House of Representatives, in which it originated.

It is declared in the bill that the sum therein directed to be paid, is “ for labor and expenses in preparing a digested Index of all such portions of the Revised Statutes passed in one thousand eight hundred and thirty-nine, as have been altered or repealed, and all public acts passed since such revision, with the public laws passed at the session of the Legislature of this State, for one thousand eight hundred and forty-four.”

It appears that the service in question was performed by Mr. Sampson, under an appointment made by the Governor, in pursuance of the following resolution, adopted at the last session of the General Assembly :

“ Resolved, by the Senate and House of Representatives, That the Governor be requested to appoint some person to make a digested Index of all such portions of the Revised Statutes passed in 1839, as have been repealed or altered, and all public acts of this State passed since said revision, with the public laws passed at the present session of this Legislature, and cause the same to be published, with the laws passed at this session. Provided, the whole expense of publishing, with compiling the same, shall not exceed one hundred dollars,—and provided it shall not cause a delay in the publication of the laws passed at the present session, of more than ten days.”

It will be observed, on an inspection of the resolution, that the Index was to be published with the laws of the session of 1844. It became the duty, therefore, of Mr. Sampson, to furnish an index in season to be in the hands of the person who had contracted to print the laws, by the time he was, by his contract, to have them ready for delivery—which it appears was on the first of December.

As the Governor was to cause the Index to be published, it was, of course, to be sent to him, when completed,—and that, for the obvious reason that he would be held responsible (as by the resolution it was evidently intended he should be,) for its correctness. The General Assembly could not have intended to impose on him the duty of publishing *any* Index which might be furnished him by the person he should appoint, because it would have subjected him to the hazard of severe censure for sending forth an erroneous or defective Index, besides suspending the public interest upon the same hazard. The Legislature evidently intended the

double security of ordinary care in making the appointment, and the subsequent supervision of the Governor himself—else they would have provided that the person appointed to prepare the Index, and not the Governor, should cause it to be published.

But notwithstanding this obvious and necessary construction, Mr. Sampson took upon himself to determine that, after making the appointment, I had nothing more to do with the matter; and that the Index was not to be sent to me, but to the Secretary of State; and that he was bound to see that it was published with the laws—their publication being subject to his superintendence. He accordingly sent the Index to the Secretary; but not until the 28th of November, two days, only, before it was to go into the hands of the printer for publication. The Secretary, on the 29th, very properly sent it to me. On examining a few pages, I found several errors in the references to the pamphlet laws published since the revision—the appropriate references being to the years of their passage, and the pages of the pamphlets in which they were published—which in numerous cases were found erroneous in one or both these particulars. Great errors and deficiencies were also found in the descriptive part of the Index, while to a great number of important unrepealed sections of laws, there was no reference whatever. Of sections not thus noticed, I have found more than thirty, on a recent examination of about one half the Index.

The errors to which I have referred, were specified in a paper accompanying my communication on this subject, to the Senate, on the 3d instant; with which I also sent the Index itself, with a request that it might be preserved in the archives of that body, as appropriate evidence of my fidelity to the trust committed to me. The Index and accompanying explanation were referred to the Committee of Claims of the Senate, before whom I was requested to appear, and by whom it was admitted that my specification of errors was correct, and that the Index, as it came to my hands, was not such as should have been published.

I did not publish the Index; and but for the previous preparation of another without my authority, which at that juncture I decided to accept, none would have been published.

But it has been contended, that the Index should have been returned to Mr. Sampson for correction; and that because it was not, he is entitled to compensation for making it, though it was fatally defective. To this position I will devote a moment's attention.

Upon examining the Index on the 29th of November—the day that I received it—I not only saw that I could not order its publication, but that if I should return it, I could not trust to any corrections which Mr. Sampson might make, without a subsequent inspection of it, since very gross errors had escaped him in a copy prepared with apparent care, for the press. And besides, as he had denied my right of supervision in the case, I had reason to doubt whether he would submit the Index to me after he should have attempted to correct it. The proper corrections would, moreover, have involved the necessity of re-constructing, and re-drafting it, which, it was apparent, could not be effected, and the whole submitted to me, and necessary time allowed me for its re-examination, before the expiration of the ten days when the printing of it should be completed—much less could all this have been done within the twenty-four hours which only remained between my examination of it, and the first of December. Indeed, it could not have even reached

Mr. Sampson—his residence then being at Montpelier—about seventy miles distant from me—until the first of December,—the day when it should have been in the hands of the printer at Burlington, in a condition to be published.

I did not, therefore, return it to him ; and I am unable to see upon what principle my omission to do it can lay a foundation for a claim on his part, for compensation. It is evident that my return of it could not have resulted in its publication with the laws, which, before it could have reached the hands of the printer, would have been completed, and in the process of delivery to the Sheriffs for distribution, and, of course, that even if corrected, it could not have been made available to the State in the way contemplated in the Resolution under which it was prepared —namely, its publication with the laws of the last session.

The truth is, it was the duty of Mr. Sampson to prepare an *Index*—not a defective one, but *an Index fit to be published*—in such season that it might have been placed in the hands of the printer by the first of December. Having failed to do this, he failed to do the duty which, by accepting the appointment, he contracted to perform. And, having thus failed, I am unable to see on what principle applicable to the ordinary affairs of life, he can be entitled to compensation ;—how, indeed, he is more entitled to it than one would be who, having engaged to furnish an article of manufacture by a given time, furnished a defective one, unadapted to the purposes of its construction.

But Mr. Sampson claims that, having performed labor, under an Executive appointment, it is hard for him to lose it, and that he needs compensation for it. But the question is not one of necessity, but of principle ;—not whether labor was performed, but whether it was worth any thing,—not whether the article, which was the product of that labor, could have been re-produced in a more perfect form at some subsequent time, but whether it could have been re-produced within the time when it must have been forthcoming in a state of reasonable perfection, in order to have served the purpose of the Legislature in providing for it.

Pressed by this view of the matter, Mr. Sampson has even contended that though the *Index* might have been imperfect, and could not have been made otherwise in season for publication with the laws of last year, yet that it should, (to use the language of his letter to me of the 5th of February last,) have been “sent back for correction,” and “have rested until 1845 for the action of the Legislature, as (to continue his language) the proviso says,—in case it shall not delay the printing of the laws more than ten days—plainly implying,” (still to continue his language,) “that there might not be time, and then the *Index* need not be published.”

Such has been Mr. Sampson’s reasoning on the subject—reasoning as defective as was the *Index* he sent me for publication.

I admit that I made a mistake in appointing him to the service in question—though it was done upon what I deemed a satisfactory recommendation ; but I cannot admit that he is entitled to compensation for work acknowledged to be worthless, or that he could justly claim to be allowed until the present session of the Legislature to make it what it should be.

For the reasons thus stated, I feel constrained to perform the unpleasant duty of declining to approve and sign the bill allowing Mr. Samp-

son sixty dollars for the service in question, and to return it to the House of Representatives for their re-consideration. I need hardly say that I feel no little embarrassment in the performance of this duty, because the exercise of the power of thus returning bills places the Chief Magistrate in a position of conflict with the representatives of the people. I should feel an additional embarrassment, from the consideration that my own agency has been concerned in the transaction in question, had I not understood that the Committees of Claims in both Houses have especially exonerated me from all blame in this matter. I am left, therefore, to a consideration of the simple question of the justice of the claim, to which I am asked to give the sanction of my approval. On this point I have, with perfect freedom, and yet with perfect respect, for the General Assembly, expressed the convictions of my own judgment, and the grounds of them.

I will only add, that I perform this act with the less reluctance, because it still leaves the bill within the control of bare majorities of the Senate and House of Representatives, with whom I am very happy to be permitted to leave the responsibility of giving the effect of law to an act which my own judgment cannot approve.

WILLIAM SLADE.

EXECUTIVE CHAMBER, {  
Nov. 5, 1845. }

Whereupon the Senate proceeded to reconsider the said bill.  
And the question being stated by the President, Shall the bill pass?

It was decided, by yeas and nays, as follows : { Yeas 19,  
Nays 7.

Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bellows, Bemis, Billings, Bradley, Brownell, Clapp, Fifield, Howe, Ladd, Marshall, Noyes, Onion, Page, Richardson, Sias, Simonds, Smith, and Vilas.

Those Senators who voted in the negative, are Messrs. Chittenden, Hodges, Morgan, Rich, Sabin, Winn, and Woodbridge.

So the bill was passed.

And it was

Ordered. That the Secretary inform the House of Representatives of the passage thereof.

The Senate took up the resolution from the House of Representatives, directing the Secretary of State to ascertain whether appropriate accommodations for the sessions of the General Assembly will be afforded at Burlington or Windsor.

And it was

Resolved, Not to concur in the passage thereof.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

Mr. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolutions relative to the collection and safe keeping of the public Military property.

The House have passed certain resolutions relating to the Annexation of Texas to this Union, in which they request the concurrence of the Senate.

Mr. Onion, from the Committee on Bills, reported that they had this

day submitted to the Governor, for his signature and approval, bills of the following titles:

(H. 123.) "An act in addition to Chapter 29 of the Revised Statutes, relating to Trustee Process."

(H. 101.) "An act to abolish the School Fund."

(H. 147.) "An act to incorporate the Otter Creek Iron Company."

(H. 131.) "An act in addition to 'an act to incorporate the Middle Falls Manufacturing Company,' approved Nov. 11, 1836."

(H. 136.) "An act to incorporate the Windham Slate and Mineral Company." And

(H. 106.) "An act to incorporate the Springfield Paper Mill Company."

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to announce to the Senate, that he has approved and signed bills of the following titles, namely:

(S. 39.) "An act in amendment of 'an act in addition to Chapter 19 of the Revised Statutes, relating to the instruction of the Deaf, Dumb and Blind,' passed Nov. 12, 1842."

(S. 38.) "An act relating to Public Accounts."

(S. 57.) "An act relating to the University of Vermont."

(S. 50.) "An act in addition to Chapter 49 of the Revised Statutes."

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The Governor has announced to the House of Representatives that he has approved and signed bills of the following titles, namely:

(H. 117.) "An act in addition to 'an act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company,' passed Nov. 10, 1835."

(H. 120.) "An act extending the Charter of the Bank of Bellows Falls."

(H. 134.) "An act to incorporate the Jefferson Mining Company."

(H. 142.) "An act to incorporate the Brattleboro Infirmary."

(H. 21.) "An act to incorporate the Bank of Black River."

(H. 110.) "An act to incorporate the Western Vermont Rail Road Company."

Mr. Sabin, from the Committee on Education, to whom was referred so much of the Governor's message and the accompanying documents as relates to the subject of Peace, reported the following resolutions, which were read and passed:

*Resolved, by the Senate and House of Representatives:*

1. That the practice of nations, of resorting to arms for the settlement of international disputes, has no tendency to secure the rights of the injured party, and often gives the aggressive nation an opportunity of repeating the abuse, and, by claiming the right of power, of subjugating such injured party to its ruthless sway.

2. That we regard *Arbitration*, as a recognized substitute for war; that this method of adjusting international difficulties relinquishes no

right; sacrifices no interest; startles no prejudice; is adapted to the present state of the world; and is consistent with sound policy,—it is a measure level to the comprehension of the people, and commends itself to all; it is simple, practicable, and likely to succeed.

3. That a system of adjudication, founded on a well-digested code of international laws, and administered by a standing court, or board of mutual reference, is preferable to the occasional choice of umpires, who act without the restraint of established principles or laws.

4. That it is our earnest desire that the government of the United States would, at the earliest opportunity, take measures for obtaining the consent of the Powers of Christendom, to the establishment of a General Convention, or Congress of Nations, for the purpose of settling the principles of international law, and of organizing a high Court of Nations, to adjudge all cases of difficulties which may be brought before them by the mutual consent of two or more nations.

5. That His Excellency the Governor be requested to transmit a copy of these resolves to the Senators and Representatives of Vermont in the Congress of the United States, with instructions to use their influence, as they may have opportunity, in furtherance of this important object.

Mr. Sabin, from the Joint Committee under the 5th Joint Rule, to whom was referred resolutions, &c., from other States, accompanying the Governor's Message, reported the same without action.

(H. 98.) The Senate took up the House bill on the table entitled "An act relating to the Grand List."

Mr. Smith moved to amend the said bill by adding as follows: "Provided that such stock is not exempt by its charter from taxation."

And the question being, Will the Senate so amend?

It was decided in the negative: { Years 13,  
Navy 14

The yeas and nays, being demanded by Mr Smith, were as follows: Those Senators who voted in the affirmative, are Messrs. Bemis, Bradley, Clapp, Fifield, Ladd, Morgan, Noyes, Onion, Richardson, Sabin, Sias, Simonds, and Smith.

Those Senators who voted in the negative, are Messrs. T. T. Barrett, Bellows, Billings, Brownell, Button, Chittenden, Hodges, Howe, Hurd, Marshall, Rich, Vilas, Winn, and Woodbridge.

**So the amendment was rejected.**

Mr. Vilas moved the following amendment: "Section 2. The Charters of incorporation of all such Rail Road Companies, mentioned in the preceding Section, shall be under the control of future Legislatures, to alter or amend as the public good may require."

And the question being, Will the Senate so amend?

It was decided in the negative: § Years 6,  
Navy 21

The yeas and nays, being demanded by Mr. Fifield, were as follows: Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bellows, Fifield, Marshall, Richardson, and Vilas.

Those Senators who voted in the negative, are Messrs. Bemis, Billings, Bradley, Brownell, Button, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Morgan, Noyes, Onion, Rich, Sabin, Sias, Simonds, Smith, Winn, and Woodbridge.

So the amendment was rejected.

Mr. Vilas moved a reconsideration of the vote rejecting the amendment moved by Mr. Smith.

And the question being, Will the Senate so order?

It was decided in the affirmative : { Yeas 15,  
Nays 14.

The yeas and nays, being demanded by Mr. Bradley, were as follows : Those Senators who voted in the affirmative, are Messrs. J. Barrett, Bellows, Bradley, Clapp, Fifield, Howe, Noyes, Onion, Page, Richardson, Sabin, Sias, Simonds, Smith, and Vilas.

Those Senators who voted in the negative, are Messrs. T. T. Barrett, Bemis, Billings, Brownell, Button, Chittenden, Hodges, Hurd, Ladd, Marshall, Morgan, Rich, Winn, and Woodbridge.

So the vote was reconsidered.

The question then recurring, Will the Senate adopt the amendment proposed by Mr. Smith?

It was decided in the negative : { Yeas 12,  
Nays 17.

The yeas and nays, being demanded by Mr. Smith, were as follows :

Those Senators who voted in the affirmative, are Messrs. J. Barrett, Bemis, Bradley, Clapp, Morgan, Noyes, Onion, Richardson, Sabin, Sias, Simonds, and Smith.

Those Senators who voted in the negative, are Messrs. T. T. Barrett, Bellows, Billings, Brownell, Button, Chittenden, Fifield, Hodges, Howe, Hurd, Ladd, Marshall, Page, Rich, Vilas, Winn, and Woodbridge.

So the amendment was rejected.

The question then being, Shall the bill pass?

It was decided in the affirmative : { Yeas 16,  
Nays 13.

The yeas and nays, being demanded by Mr. Smith, were as follows :

Those Senators who voted in the affirmative, are Messrs. T. T. Barrett, Bellows, Billings, Brownell, Button, Chittenden, Fifield, Hodges, Hurd, Ladd, Marshall, Page, Rich, Vilas, Winn, and Woodbridge.

Those Senators who voted in the negative, are Messrs. J. Barrett, Bemis, Bradley, Clapp, Howe, Morgan, Noyes, Onion, Richardson, Sabin, Sias, Simonds, and Smith.

So the bill passed.

Mr. J. Barrett presented the following resolution, which was read :

*Resolved*, That the accompanying paper, signed by every member of the Senate, and by the Secretary and Assistant Secretary of the Senate, as expressive of their sentiments towards the Hon. HORACE EATON, President of the Senate, be read, and thereupon be subject to the order of the Senate.

Whereupon the paper accompanying said resolution, and mentioned therein, was read, and is as follows :

The undersigned, members of the Senate of Vermont, avail themselves of the near approach of the period when the relations which have subsisted between them and the Hon. HORACE EATON, during the present session of the Legislature, will be severed, to express to him, in some degree, the feeling of respect, admiration, and confidence, which his course as their Presiding Officer has excited. They are sensible that this proceeding is unusual ; but so also are, in their opinion, the excellencies of the officer, as

a slight tribute to whom it is intended. They therefore desire, in this permanent form, to subscribe this testimonial of their high appreciation of the unassuming dignity, the unwearied fidelity to his trust, the entire impartiality, and the uniform and unceasing kindness, which have distinguished the course of the Honorable HORACE EATON, as President of the Senate, and which have made delightful and easy the labors and the duties of the session.

DAVID P. NOYES,  
JAMES BARRETT,  
GEORGE T. HODGES,  
HORACE FIFIELD,

*Committee.*

THOMAS T. BARRETT,  
HIRAM BELLows,  
WELCOME BEMIS,  
BENJAMIN BILLINGS,  
HARRY BRADLEY,  
B. E. BROWNELL,  
FREDERICK BUTTON,  
JOHN CAMPBELL,  
EBENEZER HOWE, Jr.,  
LEWIS LADD,  
GEORGE MARSHALL,  
JUSTIN MORGAN,  
DANIEL H. ONION,  
REUBEN PAGE,  
ASAHEL HURD,  
JOSEPH H. CHITTENDEN,  
WILLIAM CLAPP,  
DAVIS RICH,  
RODERICK RICHARDSON,  
ALVAH SABIN,  
WILLIAM SIAS,  
E. B. SIMONDS,  
ORAMEL H. SMITH,  
LEVI B. VILAS,  
REUBEN WINN,  
E. D. WOODBRIDGE.

D. W. C. CLARKE,  
*Secretary of the Senate.*

FREDERICK BILLINGS,  
*Assistant Secretary of the Senate.*

And the question being taken by the Secretary, the said resolution was unanimously adopted.

Whereupon,

His Honor the President rose and addressed the Senate, as follows:

SENATORS.—It is no mere cold observance of forms and usages, that impels me to return you my cordial thanks for the kind feeling manifested in the resolution which has just been passed, and in the transactions connected with it. I am prompted to it by a sense of gratitude that is heart-felt and sincere. I know that the separation of those who have associated together as we have been, in this Senate Chamber, is ever

calculated to stir up the deep fountains of the heart. And I will not attempt to deny or disguise the operation of influences of this character on my own feelings. But the sentiment of gratitude which I have expressed is not one which is prompted merely by the peculiar influences of the occasion—the mere transient emotion of the passing moment—but one of which my bosom has often been conscious during the present session. And I rejoice that an occasion thus presents itself for me to express it. For that self-same kindness of feeling, which now finds utterance in the language of the resolution with the proceedings accompanying it, has been constantly exhibited in your conduct during the present session. And if I have met with any thing of success in the discharge of the duties of the station I have occupied—while I am not on the one hand so destitute of discernment as not to be able to attribute that success to its true and proper cause, I am not on the other hand so devoid of sensibility as not to be impressed with a profound sense of obligation for the kindness involved in it. As regards the cause to which I impute whatever of success I may have attained, I believe that a conviction has generally prevailed in the minds of Senators—one, too, which I must be permitted to say has but done justice to my motives—that it has been at all times my earnest desire to deal out even-handed and impartial justice to all. Under the kindly operation of this charitable belief on your parts, great as have been my deficiencies, I have been treated with a degree of generous forbearance, and received a kindly co-operation, which the occupant of such a place could rarely expect to experience. It has seemed to be the uniform purpose and desire of Senators, not to embarrass, but to facilitate and aid—not to render the duties of the Chair wearisome and anxious, but, so far as possible, easy and delightful. And charity has herein wrought out even more than its ordinary benign results; for it has not only covered a multitude of errors, but has, I doubt not, prevented the commission of a still greater multitude. And you will believe me when I assure you, that the kindness, which you have in this manner manifested, is deeply, and, as I trust, *indelibly* engraven on my heart.

And now, Senators, if an unkind thought or feeling toward each other has, at any time, in the stern and often exciting strife of mind with mind, been generated and cherished for a moment in your bosoms, let it at this favored hour be consigned to eternal forgetfulness. I know it will be so; and that you will separate with mutual kindness in your hearts. For although in our conflicts of opinion in these halls of legislation, the surface of our feelings may sometimes for a moment be ruffled, yet there are—and the thought is a pleasant one—there are calm and tranquil depths *beneath*, which no storm upheaves, no breath of animosity disturbs. And although a ripple may sometimes appear upon the surface, yet it soon sinks again into smooth tranquility after the breath which excited it has passed away. And have we not had, during the present session, experience of the truth—a truth dear to humanity—that differences, whether of private or political opinions, are not incompatible with the warmest personal esteem? Have we not, during our intercourse here, felt gradually entwining around our hearts cords of almost fraternal regard? Brief as the season of our intercourse has been, it has not, I apprehend, been too brief for such friendly feelings to bud, and blossom, and mature. Do you not find in your own bosoms, at this moment, an evidence that these sentiments are not the fictions of imagination?

And now, Senators, accept once more my warmest thanks for your kindness, and especially for the present gratifying testimonial of it, and permit me to assure you, *individually*, of my deep and ardent interest in your welfare and happiness through life.

In conclusion, I congratulate you that your more than ordinarily arduous labors are now approaching to a close—and that, too, so harmoniously and pleasantly; and allow me to wish you, on their full completion, a safe and happy return to the dear and sacred precincts of your own families and firesides.

On motion of Mr. Vilas, it was

*Ordered*, That the proceedings connected with the resolution presented by the Senator from Windsor, and adopted by the Senate, be spread upon the journal, and that the Secretary cause the same to be published in the daily paper.

Mr. J. Barrett called up the resolution on the table, which is on the journal of the 5th instant, relating to the construction of Section 18 of the General Banking Law, passed in 1840.

And, on motion of Mr. Vilas, said resolution was again

*Ordered*, To lie upon the table.

Mr. Onion, from the Committee on Bills, reported that they had, this day, submitted to the Governor for his approval and signature, bills of the following titles:

(H. 128.) "An act to incorporate the American Exploring, Mining, and Manufacturing Company."

(H. 98.) "An act relating to the Grand List."

(S. 47.) "An act to incorporate the Vermont Rail Road Iron Company."

(S. 43.) "An act to incorporate the Vernon Glass Manufacturing Company."

(S. 55.) "An act to increase the Capital of the Bank of Montpelier."

(H. 145.) "An act to pay Lewis Tucker the sum therein mentioned." And

(H. 119.) "An act in addition to Chapter 28 of the Revised Statutes, entitled 'Of Process.'"

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs :

MR. PRESIDENT:—I am directed by the Governor to announce to the Senate, that he has approved and signed bills of the following titles:

(S. 47.) "An act to incorporate the Vermont Rail Road Iron Company."

(S. 43.) "An act to incorporate the Vernon Glass Manufacturing Company." And

(S. 55.) "An act to increase the Capital of the Bank of Montpelier."

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The Governor has announced to the House of Representatives that he has this day approved and signed bills of the following titles :

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- (H. 145.) "An act to pay Lewis Tucker the sum therein mentioned."
- (H. 101.) "An act to abolish the School Fund."
- (H. 106.) "An act to incorporate the Springfield Paper Mill Company."
- (H. 147.) "An act to incorporate the Otter Creek Iron Company."
- (H. 136.) "An act to incorporate the Windham Slate and Mineral Company."
- (H. 119.) "An act in addition to Chapter 28 of the Revised Statutes, entitled 'Of Process.'"
- (H. 91.) "An act to pay Lewis N. Flint the sum therein mentioned."
- (H. 49.) "An act to amend 'an act to incorporate the Champlain and Connecticut River Rail Road Company.'" And
- (H. 146.) "An act incorporating the Washington Iron Company."

Mr. Sabin called up the resolution on the table, directing the Commissioner of the School Fund to extend the time for the payment of the note due from the University of Vermont on the 17th December next, to said Fund, to two years from said date.

And it was passed.

The Senate took up the following bills on the table, and they were acted on as follows:

(H. 116.) "An act relating to the Secretary of Civil and Military Affairs."

And the question being taken,

The third reading thereof was refused.

(H. 54.) "An act to repeal the laws giving a bounty on the destruction of Bears, Wolves, and Panthers."

And it was

*Ordered*, To be read the third time.

And it was, thereupon, read the third time, and passed.

(H. 69.) "An act to repeal Section 38 of Chapter 18 of the Revised Statutes, relating to Common Schools."

And the question being taken,

The third reading thereof was refused.

(H. 28.) "An act to revive an act entitled 'an act to incorporate the Bennington and Brattleboro' Rail Road Company,' passed November 10, 1835."

The question being, Shall the bill pass?

It was decided in the affirmative.

So the bill passed.

(H. 127.) "An act in relation to Elections."

The question being, Shall the bill pass?

It was decided in the negative : { Yeas 8,  
Nays 19.

The yeas and nays, being demanded by Mr. Vilas, were as follows:

Those Senators who voted in the affirmative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Billings, Bradley, Morgan, Onion, and Richardson.

Those Senators who voted in the negative, are Messrs. Bemis, Brownell, Button, Chittenden, Clapp, Fifield, Hodges, Howe, Hurd, Ladd,

Marshall, Noyes, Rich, Sabin, Sias, Simonds, Smith, Vilas, and Winn.  
So the bill was rejected.

The following bills were, on motion of Mr. J. Barrett, indefinitely postponed :

(S. 36.) "An act to provide for the assessment and collection of taxes on non-resident lands."

(S. 51.) "An act to repeal all laws regulating the sale of Spirituous Liquors, Wine, Ale, or Beer."

(S. 26.) "An act to distribute to the several Towns, for the support of Common Schools, the income of the State School Fund." And

(S. 5.) "An act directing the Treasurer to pay Richard F. Abbott the sum therein mentioned."

Mr. Onion, from the Committee on Bills, reported that they had, this day, submitted to the Governor, for his approval and signature, bills of the following titles :

(H. 28.) "An act to revive an act entitled 'an act to incorporate the Bennington and Brattleboro' Rail Road Company,' passed November 10, 1835." And

(H. 54.) "An act to repeal the laws giving a bounty on the destruction of Bears, Wolves, and Panthers."

The resolutions on the subject of the Annexation of Texas to this Union, reported by the majority of the Select Committee on the subject, and spread upon the journal of the 1st instant, were taken up for consideration.

And the question being, Shall the resolutions pass ?

It was decided in the affirmative : { Yeas 19,

Nays 6.

The yeas and nays, being demanded by Mr. Marshall, were as follows :

Those Senators who voted in the affirmative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Billings, Brownell, Button, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Morgan, Onion, Sabin, Sias, Simonds, and Winn.

Those Senators who voted in the negative, are Messrs. Fifield, Marshall, Noyes, Richardson, Smith, and Vilas.

So the resolutions passed.

The resolutions on the same subject, reported by the minority of the same Committee, and spread upon the journal of the 3d instant, were taken up for consideration.

And, on the motion of Mr. Noyes, the question was first taken on the 1st and 2d of said resolutions.

And it was decided in the negative : { Yeas 6,

Nays 20.

The yeas and nays, being demanded by Mr. Hodges, were as follows :

Those Senators who voted in the affirmative, are Messrs. Fifield, Marshall, Noyes, Richardson, Smith, and Vilas.

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Billings, Brownell, Button, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Morgan, Onion, Rich, Sabin, Sias, Simonds, and Winn.

So the said resolutions were rejected.

The question then being, Shall the third resolution pass?

It was decided in the negative : { Yeas 6,  
Nays 19.

The yeas and nays, being demanded by Mr. Vilas, were as follows : Those Senators who voted in the affirmative, are Messrs. Fifield, Marshall, Noyes, Richardson, Smith, and Vilas.

Those Senators who voted in the negative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Billings, Brownell, Button, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Morgan, Rich, Sabin, Sias, Simonds, and Winn.

So the 3d resolution was rejected.

The question then being on the 4th resolution,

It was decided in the negative.

So the said resolutions were rejected.

Mr. Noyes presented the following resolution, which was read :

*Resolved*, That the Secretary be directed to cause to be printed two thousand pamphlets containing the Reports of the Majority and the Minority of the Select Committee to whom was referred the subject of the Annexation of Texas to this Union ; and that the same be distributed among the people of this State.

And the question being, Shall the resolution pass?

It was decided in the affirmative : { Yeas 18,  
Nays 8.

The yeas and nays, being demanded by Mr. Noyes, were as follows :

Those Senators who voted in the affirmative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Billings, Brownell, Chittenden, Clapp, Fifield, Hodges, Marshall, Noyes, Onion, Richardson, Sias, Simonds, Smith, and Vilas.

Those Senators who voted in the negative, are Messrs. Button, Howe, Hurd, Ladd, Morgan, Rich, Sabin, and Winn.

So the resolution passed.

The resolutions from the House of Representatives, on the subject of the admission of Texas to this Union, were called up by Mr. J. Barrett.

And they were read and passed in concurrence.

The Senate took up, on motion of Mr. J. Barrett, the resolution on the table, relating to the construction of Section 18 of the General Banking Law, passed in 1840.

And the question being, Shall the resolution pass?

It was decided in the affirmative : { Yeas 21,  
Nays 1.

The yeas and nays, being demanded by Mr. J. Barrett, were as follows :

Those Senators who voted in the affirmative, are Messrs. J. Barrett, T. T. Barrett, Bellows, Bemis, Billings, Brownell, Button, Chittenden, Clapp, Hodges, Howe, Hurd, Ladd, Morgan, Noyes, Onion, Rich, Sabin, Sias, Simonds, and Winn.

The Senator who voted in the negative, is Mr. Marshall.

So the resolution passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have considered the resolution from the Senate providing for an extension of two years from the 17th day of December next, of the time of payment of the note given to the Commissioner of the School Fund, for the benefit of the University of Vermont, and have passed the same, with an amendment, in which they request the concurrence of the Senate.

The Senate proceeded to consider said amendment of the House of Representatives, which is to strike out the words “*two years*,” and insert in lieu thereof the words “*one year*. ”

And it was

Resolved, To adopt the same in concurrence.

On motion of Mr. Chittenden,  
The Senate adjourned.

THURSDAY, NOVEMBER 6, 1845.

Prayer by the Chaplain.

The reading of the journal of yesterday was dispensed with.

On motion of Mr. Hodges, it was

Ordered, That a message be sent to His Excellency the Governor, to apprise him that the Senate having, on their part, completed the business of the session, are ready to adjourn; and to ask if he has any further communication to make to them.

The President designated Mr. Hodges to perform this service.

On motion of Mr. Vilas, it was

Ordered, That the Secretary inform the House of Representatives that the Senate having, on their part, completed the business of the session, are ready, in pursuance of the Joint Resolution of the two Houses, to adjourn without day.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The Governor has announced to the House of Representatives that he has approved and signed bills of the following titles:

(H. 98.) “An act relating to the Grand List.”

(H. 123.) “An act in addition to Chapter 29 of the Revised Statutes, relating to Trustee Process.”

(H. 128.) “An act to incorporate the American Exploring, Mining and Manufacturing Company.”

(H. 54.) "An act to repeal the laws giving a bounty on the destruction of Bears, Wolves, and Panthers."

(H. 28.) "An act to revive an act entitled 'An act to incorporate the Bennington and Brattleboro' Rail Road Company,'" passed Nov. 10, 1835." And

(H. 131.) "An act in addition to an act to incorporate the Middle Falls Manufacturing Company, approved Nov. 11, 1836."

Mr. Hodges announced that he had performed the service assigned to him, and that the Governor would forthwith communicate a message to the Senate.

A message from the Governor, by Mr. Beaman, Secretary of Civil and Military Affairs :

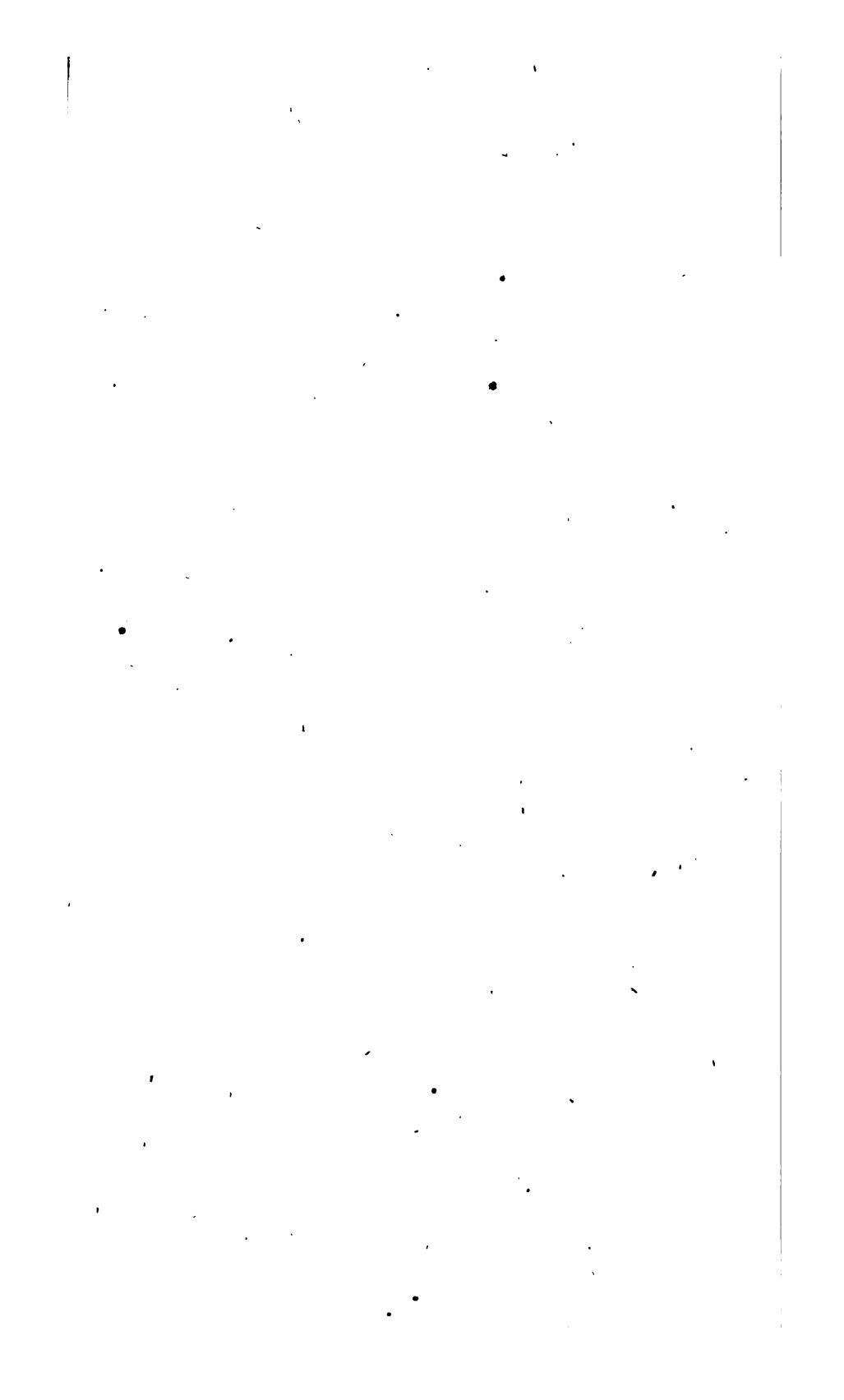
MR. PRESIDENT :—I am directed by the Governor to inform the Senate that he has received their annunciation that they are ready to adjourn, and to say that he has no further communication to make to them.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

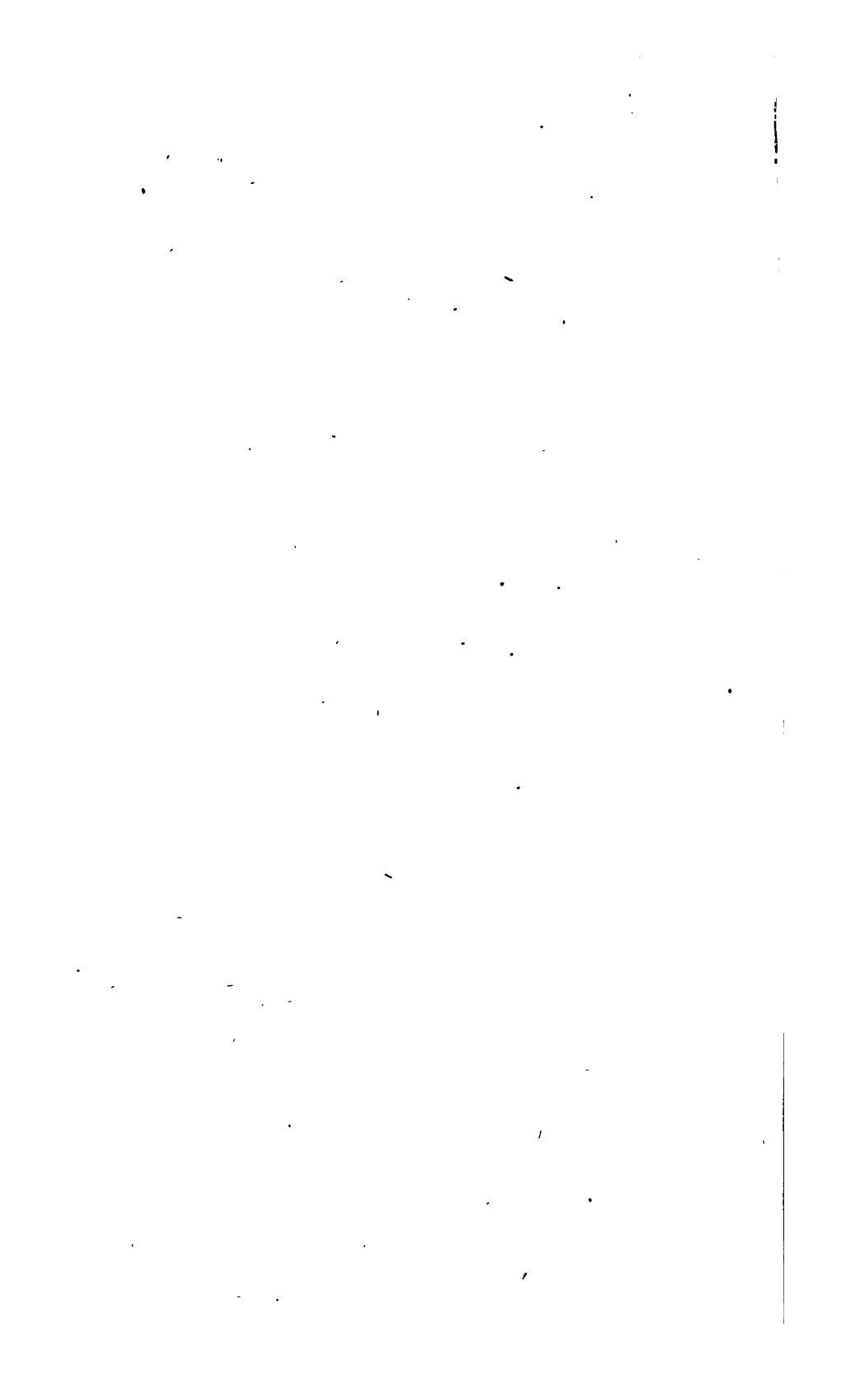
MR. PRESIDENT :—I am directed to inform the Senate that the House of Representatives having, on their part, completed the business of the session, are now ready, in pursuance of the Joint Resolution of the two Houses, to adjourn without day.

Whereupon,  
His Honor the President pronounced the Senate adjourned *sine die*.

D. W. C. CLARKE,  
*Secretary of the Senate.*



## A P P E N D I X .



## APPENDIX.

### CORRESPONDENCE

#### RELATIVE TO THE FOUR BRASS CANNON TAKEN FROM THE BRITISH AT BENNINGTON.

[REFERRED TO ON PAGE 38 OF THE JOURNAL.]

EXECUTIVE DEPARTMENT,  
Middlebury, Jan. 21, 1845. }

HON. WM. WILKINS,

*Secretary of War:*

SIR:—By a Resolution of the General Assembly of Vermont, at its late session, it is made my duty to request of the General Government the delivery to this State of the four brass cannon taken by the "Green Mountain Boys" from the British at Bennington, on the 16th of August, 1777. Their possession is desired for the purpose of their being permanently deposited in the State House as a memorial of the valor of the Green Mountain Boys, in the memorable engagement referred to; and I cannot doubt that it will give to the Executive of the United States great pleasure to comply with a request dictated by a desire to honor the memory and cherish the spirit of such men.

I am not entirely advised whether all the cannon alluded to are in the possession of the General Government.—Some of them I think I have seen in the Arsenal at Washington, with engravings indicating that they were taken at Bennington, and I am informed that there is, probably, one or more of them in the Arsenal at Watervliet, in the State of New-York.

Will you have the goodness to cause inquiry to be made in regard to the cannon referred to, and to respond to this communication at your earliest convenience.

I have received a communication from the Ordnance Office, advising me that the quota of arms that will be due in the year 1845 to the State of Vermont, will amount to about 200 muskets, and asking me to desig-

nate the kind of arms which will be wanted, and whether, if it be field Artillery, the appropriate equipments, harness, &c., will be required.—Before making reply to this inquiry I desire to ascertain whether, in case any of the cannon requested can be found, the carriages necessary for their mounting, together with the equipments, harness, &c., would be furnished in lieu of an equivalent value of the arms due this State; and if so, to what portion of the 200 muskets they would be equivalent.

I have the honor, &c.,

WILLIAM SLADE.

WAR DEPARTMENT, {  
February 20, 1845. }

SIR:

I have the honor to acknowledge the receipt of your Excellency's letter of the 21st ultimo, reporting the substance of a resolution of the General Assembly of Vermont, in relation to "brass cannon taken by the 'Green Mountain Boys' from the British at Bennington on the 16th of Aug. 1777."

Should the guns referred to be found in the possession of the Ordnance Corps, they are among the other trophies of the War of the Revolution, and are held as public property of the United States. It would not be deemed proper for this Department to have them delivered as your Excellency suggests, as part of the arms provided by existing laws for arming the militia. But as the General Assembly indicate a wish to have the cannon captured at Bennington placed in the State House of Vermont, it is respectfully suggested that the application should be made to Congress—who, it is believed, have, during the present session, entertained a proposition for selecting some place of deposit for Revolutionary trophies.

Very respectfully,

Your ob't serv't,

WM. WILKINS,

*Secretary of War.*

His Ex'y WM. SLADE,  
*Governor of Vermont.*

WM. WILKINS,  
*Secretary of War.*

STATE OF VERMONT, EXECUTIVE DEPARTMENT, {  
April 22, 1845. }

Hon. W. M. L. MARCY,  
*Secretary of War:*

SIR:

A resolution was passed by the Legislature of this State, at its last session, directing me to request of the General Government the delivery of the caanon taken by the "Green Mountain Boys" at Bennington, in the year 1777, to be deposited in the State House of this State. In compliance with that instruction, I addressed a letter to the Secretary of War on the 21st of January last, to which I received a reply declining the delivery, and suggesting an application for them to Congress.

In that reply the Secretary said—"It would not be deemed proper for this Department to have them delivered as your Excellency sug-

gests, as part of the arms provided by existing laws for arming the militia." I deem it due to myself to correct a misapprehension into which the Secretary seems to have fallen. I did not request that the cannon should be delivered to Vermont as part of the arms provided for arming the militia. After making the request, I suggested the inquiry "whether, in case any of the cannon requested can be found, the carriages necessary for their mounting, together with the equipments, harness, &c., would be furnished in lieu of an equivalent value of the arms due this State." Vermont, I need hardly say, could not consent to ask for the possession of those trophies of "Green Mountain" valor, upon any such ground as the reply to my letter supposes me to have assumed, but feels that she has a strong claim to them upon the ground of the agency of the Green Mountain Boys in their capture—as honorable to them, as it was signal instrument in turning the tide of war, at one of the most critical periods of he Revolution.

As preliminary to an application to Congress, which seems to have become necessary, unless you should reconsider your predecessor's decision, I have to request that you will do me the favor to cause inquiry to be made, as soon as practicable, for the purpose of ascertaining the number of cannon taken at Bennington, now in the possession of the United States, and their present location, and that the result of such inquiry may be communicated to me.

They may all, I believe, be readily identified by an engraving on each, indicating their capture on the 16th of August, 1777.

I have the honor, &c., &c.,

WM. SLADE.

WAR DEPARTMENT,  
May 8, 1845. }

SIR,

I have the honor to acknowledge the receipt of your Excellency's letter of the 22d ultimo. It would afford me great pleasure, if consistent with my public duty, to promote the views of the Legislature of Vermont, and the wishes of your Excellency.

I transmit herewith a report of the Officer in charge of the Ordnance Bureau of this Department, by which it will be seen that the two brass cannon captured at Bennington on the 16th of August, 1777, are safely preserved, as well as other trophies of the Revolution.

It is believed the Executive has no authority to dispose of any trophies which are held in charge of this Department for the country. How far Congress may be disposed to gratify the State of Vermont, in yielding to her these trophies, which her gallant sons had so distinguished a share in capturing, your Excellency must judge. I certainly should not offer any personal objections to such disposition of the cannon captured at Bennington.

Very respectfully,

Your ob't serv't,

W. L. MARCY,

Secretary of War.

His Ex'y Wm. SLADE,  
Governor of Vermont.

ORDNANCE OFFICE,  
Washington, May 8, 1845. }

Hon. W. L. MARCY,  
*Secretary of War.*

SIR:—On receipt of the letter of the Governor of Vermont, of the 22d of April, referred to this Department, I caused inquiry to be made in relation to the guns captured in Bennington in 1777.

In reply to my inquiries, I learn that there are, at the United States Arsenal near this city, two brass guns, reported as three-pounders, and marked, "Taken from the Germans, at Bennington, August 16, 1777."

No other trophies, captured on that occasion, are known to be in possession of the Government. These guns, as well as other trophies of the kind, are preserved (at the Arsenals where they are deposited) with care.

They are public property, and I know of no other way of delivering them to the State of Vermont but by a Resolution of Congress. The letter of Gov. Slade is herewith returned.

Respectfully, your ob't serv't,  
L. TALCOTT,  
*Lt. Col. Ord.*

## R E P O R T

### OF THE SELECT COMMITTEE RAISED TO INQUIRE INTO THE CONDITION OF THE VERMONT ASYLUM FOR THE INSANE.

[REFERRED TO ON PAGE 46 OF THE JOURNAL.]

*To the Honorable the Senate, now in session :*

Your Committee appointed to examine into the condition of the Vermont Asylum for the Insane, have had the subject under consideration, and respectfully report:

That having examined, under oath, the Auditor appointed by the Trustees of the Asylum, they find that the Trustees have received,  
By the Will of Mrs. Anna Marsh, \$ 10,000 00  
By interest accrued thereon, 819 70  
By sundry appropriations from the State, 23,000 00

Making in all, \$ 33,819 70

That the Trustees have appropriated the same as follows:  
In the purchase of the farm of about fifty acres, \$ 2,705 40  
In the purchase of the first buildings, and lands adjacent thereto, 3,504 98  
In the purchase of Springs and Aqueducts, 550 00  
In repairing the first buildings and additions, 3,560 65  
In erecting the centre building and west wing, 12,399 67  
In erecting the east wing, 7,769 87  
In extending the west wing, 4,654 92

Making in all, \$ 35,145 39

The balance of which sums, being, \$ 1,325 69  
has been paid from the Income of the Asylum.

We find the present state of the Asylum to be as follows:

Amount due the Asylum in good accounts, \$ 10,564 60  
Amount owing from the Asylum, 9,528 66

Balance in favor of the Asylum, \$ 1,035 94  
To which add *real estate*, at cost, 35,145 39  
Personal property as appraised August 1, 1845, 6,567 50

Total value, \$ 42,748 83

We find, also, that at the last session of the Legislature, three thousand dollars was granted for the relief of the Insane Poor of the State, to be drawn by the Trustees in the month of August annually, with a provision, that if in any year, the expense of supporting such Insane Poor at the Asylum, at \$1,50 per week, including the expense of transporting at the rate of eight cents per mile, should be less than three thousand dollars, the Trustees should not, for such year, be entitled to a greater sum than the aggregate amount of such expense. That, on reference to the Trustees' Report to the Auditor of Accounts, it appears that the expense of such support and transportation at the Asylum, from the first day of January to the first day of August last, inclusive, amounts to the sum of \$4,930 78, which sum exceeding said appropriation, said Trustees have drawn said three thousand dollars, and distributed the same for the benefit of the towns which have availed themselves of the provisions of said act. That one hundred and thirty-seven patients of this class have received the benefit of this appropriation, the annual expense of whom, at the Asylum, would be about ten thousand dollars. It is apparent, therefore, that the amount now appropriated would pay but about one-third of the expense of supporting the Insane Poor at the Asylum, and will hardly afford a sufficient inducement for the towns to send their Insane Poor there. To secure the benefits of the Asylum to this unfortunate class, your Committee recommend that the annual appropriation be increased two thousand dollars, which would leave about half the expenses to be paid by the several towns on whom their support devolves.

Your Committee, considering the large amount appropriated by the State, and the importance of the Institution, recommend that a Commissioner, residing in the vicinity, be annually appointed by the Legislature to visit the Asylum monthly, or oftener, and act in concert with the Trustees, and report to the Legislature annually the condition and management of the Asylum, with such suggestions as the interests of the Institution and the State may seem to require.

From the foregoing facts the Committee find that the Institution is in a prosperous condition, and has been judiciously managed, and strongly recommend it to the fostering care of the State, for its influence in diminishing, in so great degree, the volume of human misery.

All which is respectfully submitted.

DAVID P. NOYES, *for Committee.*

|             |            |           |
|-------------|------------|-----------|
| Winnipeg,   | May, 1828  | Vt. 4 yrs |
| Rochester,  | May, 1832  | 459 78    |
| Plymouth,   | June, 1828 | Vt. 4 yrs |
| St. Albans, | Apr., 1832 | 447 52    |
|             | May, 1829  | Vt. 4 yrs |
|             | May, 1833  | 467 97    |

Amy Fletcher,  
Paul Sawyer,  
Chloe Abell,

|                         |            |                 |                           |
|-------------------------|------------|-----------------|---------------------------|
| Helen McIlwain,         | May, 1832  | May, 1832       | Friends 2 yrs & Vt. 4 yrs |
| Lucius H. Lane,         | June, 1832 | June, 1836      | Vt. 4 yrs                 |
| Mary McVennan,          | June, 1832 | 4 years         | 430.00                    |
| Mary H. Cushing,        | June, 1832 | Aug., 1834      | 430.00                    |
| David F. Bradley,       | June, 1832 | 2 J.-4 yrs      | 279.07                    |
| Norral D. Barnum,       | May, 1833  | Apr., 1837      | Vt. 2 1/4 yrs             |
| Loriana Monger,         | May, 1833  | 4 years         | Vt. 4 yrs                 |
| William Alexander, Jr., | May, 1833  | Aug., 1834      | Vt. 1 1/4 yrs             |
| Roxanna Woodward,       | May, 1833  | May, 1837       | 162.40                    |
| Susan W. Fusion,        | May, 1834  | 4 years         | 439.50                    |
| Lucy J. Goodrich,       | May, 1834  | died Apr., 1838 | 415.50                    |
|                         |            | 4 years         | 427.33                    |

|                      |           |                            |
|----------------------|-----------|----------------------------|
| Aim J. Darling,      | May 1840  | Apr.                       |
| Polly Kendall,       | May 1840  | May, 1842 2 years          |
| Beniah C. Wentworth, | May, 1841 | died Aug., 1842 1 yr 3 mos |
| Sarah J. Briggs,     | May, 1838 | May, 1845 7 yrs            |

|           |
|-----------|
| Vt. 2 yrs |
| 154 23    |
| 508 62    |

\$38,118.25

## REPORT

### OF THE COMMISSIONERS APPOINTED TO EXAMINE INTO THE CONDITION OF THE UNIVERSITY OF VERMONT.

[REFERRED TO ON PAGE 53 OF THE JOURNAL.]

*To the Governor of the State of Vermont:*

The undersigned, appointed Commissioners to visit the University of Vermont, and examine its condition, submit the following Report:—

That they attended the annual examination of the students preceding the Commencement. This examination occupies some two or three weeks, and is very thorough and efficient. It is carried on in the several branches of studies pursued in the institution, in such a manner as effectually to test the proficiency of the students. The results are carefully noted down, so that from an inspection of them, it is easy to estimate with tolerable accuracy the real attainments of each student. Unlike the examinations made in this and similar institutions some years ago, it is not now easy to pass along creditably with a superficial knowledge of any particular science or study.

The exercises at Commencement were highly creditable. Some of the productions evinced a high degree of mental cultivation, a thorough discipline, and would not discredit men of riper years and greater experience.

We have no hesitation in awarding to the Faculty of the institution a high degree of praise for energy, devotion, and untiring industry in the discharge of the various and arduous duties which devolve upon them. We believe its patrons and friends and the public generally are, and have reason to be, entirely satisfied with the system of instruction pursued, and the thoroughness and completeness with which it is carried on.

The services of the Faculty are, in our view, enhanced by a consideration of the manifold embarrassments arising from straightened means, and other causes, which have been beyond their control.

If under such circumstances they have been content to labor on with unabated ardor, regardless alike of discouragements at home and tempting offers from abroad, we cannot but feel that both the institution and the community have reason to congratulate themselves.

Is it wise or prudent to permit these embarrassments to continue, and increase, as they inevitably must do, unless aid is derived from the State, or from some other source? We are informed that efforts are making to

relieve the University from the load of debt which now weighs it down, by an appeal to the liberality of individuals—an appeal which has heretofore indeed been liberally responded to; but we cannot but think it ungenerous to rely solely on this resource. We would hope that the Legislature will not rest contented to say, "Be ye warmed, and be ye clothed," but in some form come in aid of the benevolent efforts of private individuals, by some substantial testimonials of regard.

As to the financial affairs of the institution, it may be sufficient to say that they are not materially different from what they were one year ago, when our Report was made. We beg leave to refer to that Report, as containing, we believe, a pretty accurate statement of its debts and property, as well as its annual income and expenditures.

The present indebtedness is not far from \$35,000. The books of the Treasurer are kept by a rigid system of double entry. Every dollar of the funds can be at once accounted for, and every dollar of debt explained. The debt was mainly incurred by the erection of College buildings—the purchase of land, books and apparatus—the payment of salaries of officers and teachers—the accumulation of interest, &c. We do not find any reason to apprehend that it was improvidently or rashly incurred. Its appliances and means of imparting instruction are, in our opinion, not too numerous or extended for usefulness and respectability. Indeed, it cannot maintain its present elevated ground in comparison with other similar institutions in this and the neighboring States, without the means of still further enlarging the scope of its operations from time to time, as the progressive advancement of science and learning shall require. We can have no hesitation in declaring our entire conviction, that if the Legislature deem the maintenance of collegiate institutions within our State, on a par with others in other States, as an object worthy of any other than a barren and merely nominal patronage, this has just claims to its regard. It is in successful operation, it is favorably located in the midst of a rapidly increasing population, in a healthful position, and easily accessible by a well settled country on every side. It has already sent forth annually for many years numbers of young men with minds thoroughly disciplined—well indoctrinated in liberal studies—with habits of patient industry—with sound principles of morality, which have well fitted them for a high degree of usefulness in the Church, in the Judicial and Medical Professions, and in various other useful and necessary avocations in an active and flourishing community.

The debts against the institution must be paid in some way, or it must cease its usual operations, dispose of its property, and wind up its affairs. It is not a money-making institution, and never was designed to be such. It cannot enter into trade or manufactures or agriculture. Like the judiciary or common school system, it must be supported and sustained directly from a consideration of its eminent usefulness and great value and importance to the community at large.

The aim of a University is to garner up the treasures of wisdom and experience, which are matured in the progress of time, and to diffuse throughout the whole community the rays of light and knowledge. The great system of common school education—that of academical education—the liberal professions and arts—the operations of agriculture and the mechanic arts—the system of Civil Engineering now every day increasing in importance,—in short, every branch of legitimate business

in life—are all dependant in a great measure upon the University or College for motive power. It is this fountain that feeds and sustains them all, and without which they will all droop and die.

Should these remarks prove inadequate to convince the friends of popular education of the truth of our position respecting the relationship existing between higher institutions of learning and common schools, let them suppose all institutions of learning above common schools, to be stricken out of existence, together with all the influences and results which flow from them, and then seriously ask themselves what effect such a step would have on the intelligence of the present and coming generations. Let Grammar schools, Academies, Law schools, Medical schools, Museums, Scientific and Literary Associations, Colleges, Universities, Theological Institutions—all be annihilated, and what would become of the civilization and intelligence of the people? Let the men who are directly or indirectly indebted to these institutions for their ability and usefulness, be also removed from among us, as Legislators, Public Officers, Clergymen, Judges, Lawyers, Physicians, Engineers, Professors, Lecturers, Normal Teachers, writers of Literary and Scientific works—let all the varied and substantial information which they receive and impart to the masses be withheld, and what would their condition speedily become! Could the intelligence and virtue and liberal patriotism necessary to the perpetuation of the free institutions under which we have the happiness to live, continue to exist? Assuredly not.

Such then being the relations and such the influence of liberal study, on the strength and stability of the State—such its relation to the wants of the State and the well being of the people at large, we cannot but commend to the serious attention of the Legislature the importance of affording substantial and liberal aid to the University of Vermont. A subscription in aid of its funds has been commenced under favorable auspices. All reasonable assurances are made that generous aid will be extended by the benevolent and philanthropic abroad, in case the State and its citizens act a liberal part. Let the Government of the State set a liberal example, and there is every reason to suppose it will be followed. All which is respectfully submitted.

CHARLES DAVIS,  
GEORGE B. SHAW.

Montpelier, Oct. 17, 1845.

## MESSAGE FROM THE GOVERNOR, RELATING TO THE GEOLOGICAL SURVEY.

[REFERRED TO ON PAGE 57 OF THE JOURNAL.]

*To the Senate and House of Representatives :*

I transmit herewith, to each branch of the General Assembly, the report made to me by the State Geologist, of the estimated expense of the Geological Survey for the ensuing year, which, it will be seen, contemplates the necessity of a small additional expenditure for the purpose of preserving six additional suits of specimens for certain literary and medical institutions.

To those at all familiar with the subject, the importance is obvious of depositing suits of specimens illustrating the Geology and Mineralogy of the State, in each of the institutions referred to—stitutions to which so many of our young men resort for an education which, in the present state of science, cannot be regarded as complete without some knowledge of the interesting and useful science of Geology.

It is well known that the appropriation in the act authorizing the survey is much below appropriations for similar surveys in other States. The experience of the past year, moreover, shows that the progress of the survey has been, necessarily, somewhat retarded by the collection of additional suits of specimens for the institutions referred to, made under the order which I thought it my duty to give to the Geologist and his assistants. The additional labor and expense is, in the opinion of the Geologist, equivalent to the services and travelling expenses of an additional assistant; in which opinion Messrs. Hall and Thompson, employed as assistants during the past season, concur.

The sum required to meet the additional expense is not large, while the object to be attained is of very great importance to the profitable study of the science of Geology by the young men and women of this State.

While the Geologist has, from motives of delicacy, refrained from making an estimate which would embrace a provision for an addition to his own salary, I deem it my duty to repeat the suggestion made in my annual message, that it would be but justice to him and his assistants, that their compensations should be somewhat increased—the sum to which, after defraying the incidental expenses of the survey, I have,

by the present appropriation, been compelled to restrict them, being greatly below the compensations allowed for similar services in other States.

WILLIAM SLADE.

EXECUTIVE CHAMBER, {  
October 21, 1845. }

To His EXCELLENCY WILLIAM SLADE:

SIR :

In compliance with the law providing for a Geological Survey of Vermont, which makes it the duty of the Geologist to submit an estimate of the expenses of the ensuing year, I have to state that the account and estimates of the current year on page 85 of the Report, which I had the honor to submit on the first inst., may be taken as estimates for the ensuing year :—with the exception of the expenses necessarily incident to the collection of the six suits of specimens for the literary and medical institutions mentioned in your Excellency's Annual Message, for which no provision was made in the act authorizing the survey, and which were not therefore contemplated in the appropriation deemed sufficient to secure the objects of the survey. The labor of getting out, trimming, packing, examining at the depot, and putting tickets on several thousand specimens—must necessarily consume much time, besides involving additional expense of transportation, and of the fixtures and rent of a place of deposit. The whole addition is fully equivalent to the services and travelling expenses of one assistant, and the sum of two hundred and fifty dollars per annum, is the least amount requisite to meet this expense.

I have the honor to remain

Your Excellency's most obedient servant,  
C. B. ADAMS.  
*State Geologist.*

Montpelier, Oct. 21, 1845.

## MESSAGE FROM THE GOVERNOR,

### COMMUNICATING SUNDY DOCUMENTS FROM OTHER STATES OF THE UNION.

[REFERRED TO ON PAGE 62 OF THE JOURNAL.]

#### *To the Senate:*

I have the honor to inform the Senate, that I have this day transmitted to the House of Representatives, for the use of the General Assembly, sundry resolutions and other proceedings of the Legislatures of several States of the Union, referred to in my annual message of the 11th instant, namely :

The report of a special joint Committee of the two Houses of the Legislature of Massachusetts, on the subject of the annexation of Texas to the United States, with the resolutions of the Legislature relative thereto, adopted previous to the joint resolution of Congress making overtures to Texas for its admission ; together with resolutions of the same Legislature, adopted subsequently to the passage of said resolution of overtures :

Also resolutions of the Legislatures of Ohio, Delaware, and Rhode Island, against the measure of annexation—and of the Legislatures of New-Hampshire and Alabama in favor of the same :

Also resolutions of the Legislature of Illinois disapproving the proposal by Massachusetts to amend the constitution so as that the number of free persons shall be the basis of the representation in the House of Representatives of the United States ; and resolutions of the State of Alabama declaring said proposed amendment to be evincive of a disposition on the part of Massachusetts, to dissolve the Union :

Also resolutions of the State of New-Hampshire, asserting the right of the United States to the territory of Oregon, to the 54th degree of North Latitude :

Also resolutions of the State of New-Hampshire, disapproving the treatment of Thomas W. Dorr, by the State of Rhode Island :

Also resolutions of the State of Rhode Island, relative to said resolutions of New-Hampshire, and directing the return of the same :

Also resolutions of the State of Maine, protesting against the proceedings in the case of Thomas W. Dorr ; and resolutions of Rhode Island expressive of its sense of the interference of Maine in the matter :

Also resolutions of the State of Connecticut, approving the proceedings of Rhode-Island in the case referred to :

Also resolutions of the State of New-Hampshire, in favor of a tariff for revenue, with incidental protection—against a distribution of the pro-

ceeds of the sales of the public lands,—in favor of the system of the Independent Treasury,—and declaring that newspapers ought to pass free of postage to every part of the State where printed:

Also resolutions of the State of Alabama against the altering or abolishing of the veto power,—against a distribution of the proceeds of the sales of the public lands,—against a high protective tariff,—against the tariff of 1842,—against a national bank,—against repudiation of State debts, and declaring that the joint occupancy of Oregon by England and the United States should cease:

Also resolutions of North Carolina and Indiana approving the plan of an exchange of laws and judicial decisions between the several States ; and of the latter State against a repudiation of State debts :

Also a copy of a memorial to Congress by the General Assembly of Missouri, in favor of an extension of the laws of the United States over the territory of Oregon.

I also transmit herewith to the Senate, for the use of the General Assembly, resolutions of the Legislature of South Carolina, requesting the Governor of that State to expel from its limits an agent of Massachusetts, charged with the duty of taking measures to carry to the supreme court of the United States the question of the validity of certain laws of South Carolina by virtue of which colored citizens of Massachusetts are seized on board the ships of Massachusetts in the harbors of South Carolina, and imprisoned and sold into slavery in default of their commanders to redeem them and pay the expense of their detention :

Also the Declaration and solemn Protest of the State of Massachusetts against said laws of South Carolina, and against the expulsion of the agent of Massachusetts from its limits :

Also resolutions of the States of Arkansas and Alabama, approving the expulsion of the agent of Massachusetts from South Carolina : and

Also resolutions of the Legislature of Connecticut disapproving the proceedings of South Carolina.

I also transmit to the Senate a copy of a joint resolution of the Senate and House of Representatives of the Republic of Texas, dated on the 4th of July last, and transmitted to me by the President of that Republic, expressive of its sense of "the services rendered by Major General Andrew Jackson, to the cause of civil and religious liberty," and, in the name and behalf of the Republic, tendering to him the homage of the nation's gratitude.

I also transmit to the Senate, a memorial addressed to me by Mr. Alexandre Vattemare of Paris, on the subject of "international exchanges of the productions of nature and of mind," with a request that I would lay it before the General Assembly of this State. Mr. Vattemare has long been engaged in making arrangements for effecting such exchanges, and has established for that purpose, a Depot at Paris, where, in the language of his memorial, "every State can forward the productions of her intellect, industry, government and natural resources, and exhibit them to Europe,"—Paris being "the literary and intellectual centre of the continent—a place from whence they can be discriminatingly distributed, and whence the governments, writers, painters, sculptors, engravers, geologists, and other learned sons of France, can offer their gifts to the members of the American family."

Mr. Vattemare says he has established the Depot, by request of many of the first men of both continents, and that he has been appointed

as agent to effect exchanges, by the Legislature of Maine, and the National Institute in the District of Columbia, and asks a small appropriation to cover expenses of transportation, postage, &c.—his own services being gratuitously rendered.

I deem this a matter of sufficient importance to justify me in calling the attention of the Legislature to it, with a view to the furnishing to the Depot of exchanges at Paris, such of the laws and documents of this State as may fall within the description in the memorial referred to—being persuaded that we shall receive, in return, more than an equivalent for any expense we may incur for this object.

WILLIAM SLADE.

EXECUTIVE CHAMBER,  
October 22, 1845.

## R E P O R T

### OF THE COMMITTEE ON FINANCE, RELATING TO THE STATE PRISON.

[REFERRED TO ON PAGE 73 OF THE JOURNAL.]

The Committee to whom was referred a resolution of the Senate, instructing "the Committee on Finance to inquire as to the laws on the State Prison," having given the subject referred to them the consideration which, in their opinion, its importance required, beg leave to submit the following Report:

It will be perceived, by reference to the resolution under which the Committee acted, that they were authorized to send for persons and papers, if, in their opinion, they should deem it necessary to a proper examination of the subject. In order to aid them in coming to a decision on this part of the inquiry, they sought information of persons most likely to be acquainted with the affairs of the prison, and among others, of the Superintendent and one of the Directors; and came to the conclusion not to exercise the authority thus given them.

In deciding on the remaining part of the subject, (to wit) whether an alteration in the existing Laws is necessary, the Committee had little aid, except what an examination of the Reports of the Superintendents and Directors of the Prison, and other official papers, afforded them.

After an examination particularly of the Reports of the Directors, the Committee saw, at least *apparent* contradictions in the Reports themselves. To illustrate this, the Committee refer the Senate to the Reports of the Directors for the years 1843, '44, and '45. It will be seen by the Report for 1843, table (C.) on the 94th page of the Auditor's Report, that the assets of the Prison for that year were

|                                                                                                         |              |
|---------------------------------------------------------------------------------------------------------|--------------|
| And that its liabilities were                                                                           | \$ 26,430 13 |
|                                                                                                         | 13,905 08    |
| Leaving a balance in favor of the Prison, 1st Sept. 1843,<br>of                                         | <hr/>        |
|                                                                                                         | 12,525 05    |
| By table (C.) found on the 73d page of the Auditor's Re-<br>port for 1844, the assets of the Prison are | <hr/>        |
| And that the liabilities are                                                                            | 27,328 35    |
|                                                                                                         | 18,910 82    |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Leaving a balance in favor of the Prison of<br>Which, deducted from the balance in favor of the Prison<br>in 1843, is                                                                                                                                                                                                                                                                                                                             | 8,417 53                          |
| Being the true expense or loss to the State for that year.                                                                                                                                                                                                                                                                                                                                                                                        | 4,107 52                          |
| On page 50 of Auditor's Report for 1845, table (C.) the<br>assets are put down at                                                                                                                                                                                                                                                                                                                                                                 | 20,977 77                         |
| And the liabilities in the same table are                                                                                                                                                                                                                                                                                                                                                                                                         | 27,082 68                         |
| Leaving a balance in favor of the Prison of                                                                                                                                                                                                                                                                                                                                                                                                       | 895 09                            |
| To which should be added, for an error in table (C.)<br>caused by omitting in that table the provisions on<br>hand                                                                                                                                                                                                                                                                                                                                | 447 68                            |
| Making the balance in favor of the Prison 1st Sept., 1845,<br>Which, deducted from the balance in favor of the Prison<br>in 1844, shows the cost of maintaining the Prison for<br>the year ending Sept. 1st, 1845, to be                                                                                                                                                                                                                          | 1,342 77                          |
| By referring to tables (D.) in the Reports of the Directors<br>for the years 1844 and '45, giving the expenditures<br>and income for those years, it will be seen that the loss<br>for 1844 was                                                                                                                                                                                                                                                   | 7,074 76                          |
| And the loss for 1845 was                                                                                                                                                                                                                                                                                                                                                                                                                         | 1,987 15                          |
| Making the loss for the two years                                                                                                                                                                                                                                                                                                                                                                                                                 | 1,989 06                          |
| And differing from the loss as shown by tables (C.)                                                                                                                                                                                                                                                                                                                                                                                               | 7,226 07                          |
| Which sums added together make the actual expense to<br>the State for the years 1844 and '45, as shown by the<br>tables (C.), to be                                                                                                                                                                                                                                                                                                               | 11,182 28                         |
| The object of the Committee in making a somewhat detailed Report<br>was, to bring to the notice of the Senate the facts above referred to;<br>and, having done this, they will only observe, that a proper administration<br>of the affairs of the Prison is to be secured, mainly, by a selection<br>of such officers as will bring to its service the capacity and efficiency<br>that are necessary to the success of all private transactions. |                                   |
| The Committee report also the accompanying bill (Senate bill No.<br>35) which, in their opinion, ought to pass.                                                                                                                                                                                                                                                                                                                                   |                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <i>DAVIS RICH, for Committee.</i> |

## REPORT

### OF THE ADJUTANT AND INSPECTOR GENERAL.

[REFERRED TO ON PAGE 85 OF THE JOURNAL.]

SIR:

I have the honor to transmit the annual return from this Department.

The returns of the Enrolled Militia of the several Regiments, as received from the town clerks, are as follows:

|                |           |   |   |   |      |
|----------------|-----------|---|---|---|------|
| First          | Regiment, | - | - | - | 877  |
| Second         | "         | - | - | - | 731  |
| Third          | "         | - | - | - | 640  |
| Fourth         | "         | - | - | - | 692  |
| Fifth          | "         | - | - | - | 952  |
| Sixth          | "         | - | - | - | 664  |
| Seventh        | "         | - | - | - | 751  |
| Eighth         | "         | - | - | - | 980  |
| Ninth          | "         | - | - | - | 1164 |
| Tenth          | "         | - | - | - | 190  |
| Eleventh       | "         | - | - | - | 930  |
| Twelfth        | "         | - | - | - | 434  |
| Thirteenth     | "         | - | - | - | 778  |
| Fourteenth     | "         | - | - | - | 683  |
| Fifteenth      | "         | - | - | - | 101  |
| Sixteenth      | "         | - | - | - | 948  |
| Seventeenth    | "         | - | - | - | 785  |
| Eighteenth     | "         | - | - | - | 721  |
| Nineteenth     | "         | - | - | - | 592  |
| Twenty-tenth   | "         | - | - | - | 718  |
| Twenty-First   | "         | - | - | - | 817  |
| Twenty-Second, | "         | - | - | - | 927  |
| Twenty-Third   | "         | - | - | - | 813  |
| Twenty-Fourth  | "         | - | - | - | 1167 |
| Twenty-Fifth   | "         | - | - | - | 557  |
| Twenty-Sixth   | "         | - | - | - | 586  |
| Twenty-Seventh | "         | - | - | - | 842  |

Total Enrolled Militia returned, 20,031

From the Uniform Militia I have not received sufficient returns to be embraced in this report.

It has been ascertained that to the repeal of that provision of the Act of 1842, granting a small annual allowance to the clerks of companies and other officers, whose duty it was to perform the thankless and laborious task of keeping records and rolls, issuing orders, and especially making the returns, is owing the deficiency of nearly one half the returns of the last year. It was assumed, in framing the act of 1842, that if the payment of officers for attending drills, heretofore allowed by the Act of 1837, should be dispensed with, the payment of a small sum, trifling in itself, though inadequate in the aggregate, to certain officers whose duties were laborious, would secure faithful, correct and full returns, with decided advantage to the State. A provision for the payment of such officers was embraced in that Act, and returns were thereupon received comparatively more full and correct than at any year previous. By the Act of 1843, this provision was repealed; and as a consequence, but a few more than half of the required returns were then made. Of the Uniform Militia, but five returns have been made during the present year. I need not say that this is owing to the fact that no encouragement has been afforded them, either to assemble together, increase their numbers, or to do any duty whatever.

Qualified young men cannot be found to accept the offices, which carry with them arduous duties, little honor, and no compensation. It avails little that there are penalties; if there are none upon whom they can be inflicted. It avails little that offices and duties are created for the benefit of the State, if there are none to be found who will consider it worth their while to accept the one and discharge the other. It is of small advantage that laws are enacted, if no *adequate* provision be made for their execution. And it has long been too evident to be new, that that part of government is not the *cheapest* which is not faithfully and well administered, in which its subordinates derive no encouragement, and its superiors feel no pride, no responsibility.

The *certainty* and *perfection* of returns, together with the efficiency of the system, depends, more than upon any one thing else, upon the *permanency of the laws*. It is not so much the *kind* of law, not so much the perfection of a system, provided it meets the general requirements of a system, as the stability of that law; the uniform operation of that system; as the establishing the basis of *permanent principles and steady action*. A law setting forth certain prescribed duties to be performed one year, and repealed the next, begets a total want of confidence in the necessity of those duties and a consequent carelessness and neglect in the discharge of them.

An Act guaranteeing certain rights, privileges or immunities, upon compliance with certain conditions, promulgated one year and abrogated the next, has the effect to deter all from complying with those conditions, and consequently from availing themselves of those rights. It is the *fickleness of the laws* that presents the subject matter of universal complaint. Scarcely are its subjects prepared to carry into effect one system, before another is substituted; and that in turn gives place to a third, before a fair and impartial trial of its merits.

The instability of the militia laws is undoubtedly owing to a continual and progressive change in the opinions of community, first as to the necessity of much of the time and expense devoted to military duty, and finally, as to the utility of any system of laws whatever. The importance

and value of such a system have seemed to decrease in direct proportion as we have receded from the time and circumstances which have made it the main object and perfect aim of those who established it ; as though the farther in the distance we viewed danger, the greater may be our indulgence in relaxing our vigilance. The change of opinion, on this subject, has been so rapid, that it is rather a matter of reproach than of merit, *to be wiser than our fathers.*

Public opinion has so suddenly germinated in the hot-bed of excitement, and so prematurely borne its fruit, that we have neglected to perceive the region in which it vegetates, and the atmosphere which surrounds it ; and with due submission I would say, it becomes us to look back from the fancied eminence upon which we so confidently stand, to the place from which we started.

Indiscriminate and censorious epithets, and ridicule even, have so characterized the language of the day, upon the subject of the militia, that a recurrence to the opinions of those who have gone before us, may teach us a lesson of prudence and discretion, if not of wisdom. If the militia are liable to all the censure for inefficiency and worthlessness which is alledged, we forget who it is that has made them so. They are, and will ever remain, what the government and the people make them to be. They cannot be better than the means so pitifully afforded will permit.

It is indeed adding insult to injury ; it is a refinement of cruelty, to point the finger of derision at any class of community for being where we ourselves have placed them. With such degrading views of the militia, as unnecessary and nothing worth, as a shadowy and immaterial theory, to scout which is deemed the height of patriotism, and in which to entertain no belief, is the perfection of reason ; it may become us to permit *public opinion*, as it is so brilliantly steaming onward to perfection, to pause amidst the fragments of its systems which it has strewn around it, and let the voice of the past be heard for a moment—whether it be for our self-gratulation, or whether it be for our wisdom.

"The devising and establishing a well regulated militia," says the Father of his country, "would be a genuine source of legislative honor, and a perfect title to public gratitude. And I therefore entertain a hope that the present session will not pass, without carrying to its full energy the power of organizing, arming, and disciplining the militia, and thus providing, in the language of the Constitution, for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions."

"With the review of our army establishment, is necessarily connected that of the militia. It will merit inquiry, what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed, until the greatest attainable perfection shall be accomplished. Time is wearing away some of the advantages for forwarding the object, which now better deserves the persevering attention of the public councils."

"My solicitude to see the militia of the United States placed on an efficient establishment, has been so often and so ardently expressed, that I shall but barely recall the subject to your view on the present occasion."

"A government," says Gen. Knox, "whose measures must be

the result of multiplied deliberations, is seldom in a situation to produce instantly those exertions which the occasion may demand; therefore it ought to possess such energetic establishments as should enable it, by the vigor of its own citizens, to control revolts as they arise, instead of being convulsed by them." \* \* \* \* \*

"The strength of the government, like the strength of any other vast and complicated machine, will depend upon a due adjustment of its several parts; its agriculture, its commerce, its laws, its finance, its system of defence, and its manners and habits, all require consideration and the highest exercise of political wisdom." \* \* \* \* "An energetic national militia is to be regarded as the *capital security* of a free republic, and not a standing army, forming a distinct class in the community." \* \* \* \* "Every State possesses not only the right of personal service from the members, but the right to regulate the service on principles of equality for the general defence. All being bound, none can complain of injustice on being obliged to perform his equal proportion. Therefore it ought to be a permanent rule, that those who in youth decline or refuse to subject themselves to the course of military education established by the laws, should be considered as unworthy of public trust or public honors, and be excluded therefrom accordingly."

"A naval power," says John Adams, "next to the militia, is the natural defence of the United States."

"Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point, and *competent to oppose them*, is the body of neighboring citizens as formed into a militia." \* \* \* "These considerations render it important that we should, at every session, continue to amend the defects which from time to time show themselves in the laws for regulating the militia, until they are sufficiently perfect, nor should we now or at any time separate until we can say we have done every thing for the militia which we could do were an enemy at our door."

"Considering that our troops are employed for local purposes, and that our militia is our general reliance for *great and sudden emergencies*, you will doubtless consider this institution worthy of a review, and give it those improvements of which you find it susceptible."

"In the meantime, you will consider whether it would not be expedient for a state of peace, as well as of war, so to organize or to class the militia, as would enable us, on any sudden emergency, to call for the services of the younger portion, unincumbered with the old, and those having families. \* \* \* I cannot, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system, as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps, fit for real and active service, and to be called to it in regular rotation."

"For a people who are free, and who mean to remain so, a well organised and armed militia is their best security."

"Whatever may be the course of your deliberations on the subject of our military establishments," writes Madison, "I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great *breastwork of our security and resource of our power*, an organization the best adapted to eventual situations, for which the United States ought to be prepared."

Monroe writes, "But it ought always to be held prominently in view, that the safety of these States, and of everything dear to a free people, must depend in an eminent degree on the militia. Invasion may be made too formidable to be resisted by any land or naval force, which it would comport, either with the principles of our government or the circumstances of the United States, to maintain. In such cases recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, they be so organized and trained as to be prepared for any emergency. The arrangement should be such as to put at the command of the government the ardent patriotism and youthful vigor of the country. If formed on equal and just principles, it cannot be oppressive. It is the crisis that makes the pressure, and not the laws which provide a remedy for it. This arrangement should be formed, too, *in time of peace*, to be the better prepared for war. With such an organization of such a people, the United States have nothing to dread from foreign invasion. At its approach, an overwhelming force of gallant men might always be put in motion."

"The organization the militia," says of John Quincy Adams, "is yet more indispensable to the liberties of the country. It is only by an effective militia that we can at once enjoy the repose of peace, and bid defiance to foreign aggression; it is by the militia that we are constituted an armed nation, standing in a perpetual panoply of defence, in the presence of all the other nations of the earth. To this end it would be necessary, if possible, so to shape its organization as to give it a more united and active energy. There are laws for establishing a uniform militia throughout the United States, and for arming and equipping the whole body. But it is a body of dislocated members, without the vigor of unity and having little of uniformity but the name. To infuse into this most important institution the power of which it is susceptible, and to make it available for the defence of the Union, at the shortest notice, and at the smallest possible expense of time, of life, and of treasure, are among the benefits to be expected from the persevering deliberations of Congress."

"But the bulwark of our defence is the national militia, which, in the present state of our intelligence and population, must render us invincible. As long as our government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and property, liberty of conscience and of the press, it will be worth defending; and so long as it is worth defending, a patriotic militia will cover it with an impenetrable ægis. Partial injuries and occasional mortifications, we may be subjected to; but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country, I shall cheerfully lend all the aid in my power."

It is now perceived, with what erroneous views the public have been inoculated by designing men, and thereby abused; and that in the minds of those who think without prejudice and for the good of the whole nation, there is reason and judgment in this matter not apparent on the surface. It is futile to say that these are the opinions of men formed immediately at, and founded upon the incipient dawning, and an important crisis of the republic, upon causes which no longer exist. It

becomes the duty of such to declare when those causes shall cease, so long as human nature shall survive.

It is vain to say that all this is needless—that the maintenance of any system of militia is expensive, unnecessary and worthless. I am aware that the current of opinion has of late turned almost resistlessly towards a belief in the inutility and utter abolition of any system. But it is not the less true that such an opinion has passed on without its landmarks and the confines which should bound it. A system we have by an act of Congress, and an organization we have under the laws of Congress. Should we therefore carry out this vague and short-sighted opinion of the many, without reference to its merits or results, we should find ourselves thrown at once upon those laws of Congress, which it would become the Executive to see executed, by the training of the whole militia between the ages therein prescribed. It is true that a right to exemption from military duty is reserved to the States, but it remains a question whether that right can extend to the whole of the militia, so as to defeat the letter, spirit and design of those laws. We can perhaps exempt a class of our citizens from military duty upon an enrollment and inspection, as has been done in another State. But even there they have encountered grave considerations and mighty objections, founded upon the question, whether they are not, even in this extension of the exemptive power, trenching upon forbidden ground.

We have, then, a large class, illegally or lawfully, exempted from military duty. The remainder are therefore entitled to our particular consideration and provision. In regard to these, then, what remains to be done? Is the uniform militia such an effective class, under our system, as any State would be proud to recognize? Are we ourselves satisfied as to its fitness and efficiency for any emergency, such as has occasionally resulted in the contempt and breach of all law and order in other States; or do we rely upon the superior intelligence and equanimity of our people to restrain those passions, common to mankind, and which often bring under their control alike the learned and the ignorant? Is it such a well organized and disciplined militia, as, being the founder of which would, according to the Father of his Country, entitle a man to lasting gratitude, and to the merit of being considered the benefactor of his race?

Under the operations of the Act of 1842, the uniform companies were beginning to receive new life, and especially with the anticipation of having that encouragement extended to them which they ought, and reasonably expected to receive. For the want of this encouragement, I am under the necessity of reporting that I have disbanded a number of uniform companies within the present year, that others are diminishing in numbers, and that nearly all are dispirited and manifest a want of energy and discipline. Another State which has adopted the system of an uniform militia as their principal military dependence, have afforded encouragement by granting a small compensation to each member of a uniform company annually. And there can be no reason why a recompence of some kind should not be granted to a class of our citizens who contribute an extra portion of their time, involving great expense, in order to acquit themselves well in the discharge of those duties required of them by the laws and the rules of discipline. The State can afford to pay their militia, and they should not be surprised that justice should demand it.

By disbanding the enrolled militia and repealing the act exempting their polls from taxation, they have called back a large sum into the treasury and now appropriate to the use of the State. From the returns it will be perceived that the enrolled militia, whose polls now form an item of taxation, amount to more than twenty thousand. Estimating each poll at one dollar, the least amount, and we have the sum of twenty thousand dollars now saved to the State. It is now asked that some portion of this sum may be bestowed upon the uniform militia, instead of the present exemption from taxation. But this is not all that is required. Should the State contribute of its funds with ever so liberal a hand, and stop there, it would be lavishing its money without an object or an end. Aside from the numerical force of the militia, in its *discipline* consists its efficiency. The discipline of the militia has been the constant theme of legislators, both National and State, ever since the foundation of the Republic. The way and means which would be available, alone prevented its accomplishment. The necessity, the importance of this object, is not only admitted but enforced by the constitution of the general government, of this State, and by the oft-repeated admonitions of presidents, governors and statesmen; and to this object should the attention of this State be directed, and steadily directed, until the object is attained. I therefore respectfully recommend, that to this end, the number of companies in each brigade be limited. And that the uniform militia be required to assemble by regiment or brigade and do camp duty three or four days annually, and at the same time be drilled faithfully in the schools of the soldier, the company, the battalion, and in the evolutions of the line. That the Commander in Chief be empowered to procure from the military institution within our borders, nine of its students annually, members of its highest class, and standing first in merit, and distribute them, one in each brigade, to drill them in and teach them the several branches above named. This will create a spirit of emulation in the institution itself, and will make it useful to the State by diffusing its advantages among its citizens.

This will be accomplishing an object within our own limits and with the advantages which few states possess. We are encouraging our own institutions and making them benefit ourselves, and commingling their usefulness with the mass of the people.

A militia system, therefore, of some kind, it is perceived, is necessary for the long existence of a republic. It is no longer a question of expediency. It should be no longer a bauble for childhood. We have trifled with this subject until we have made ourselves a reproach and a by-word. A portion of our citizens, classed as the militia, have been treated without consideration, without respect, as a needless and useless appendage to the government of a State. We have not considered the militia as a part of our government, prescribed by the constitution, and therefore coming under our supervision and protection. A militia system we must have. There is no alternative. If we have none of our own, we are compelled to adopt that which Congress has provided; by which, all within the prescribed ages must perform military duty.—The way is clear and plain, then, to have a good and efficient uniform militia.

The repeal of the Act exempting the polls of the enrolled militia from taxation, leaves ample means within the control of the State to grant a compensation to each member of the uniform militia. It cannot be ex-

## APPENDIX.

pected that young men of talent and business habits—and without such any system is nothing worth—will incur the expense, time, study and exercise required in application, for even a partial military knowledge and practice, which they can so easily avoid, by merely an enrollment, how much so ever the love of military science may prompt them. If there are those, who, in the face of these obstacles, have voluntarily assumed these duties, it is because they have possessed somewhat of the spirit of their fathers, whose voice they still seem to hear, and whose footsteps have not in effect passed away from the green hills around them. By meeting this subject, as meet it we must, like legislators, like men, by encouraging the militia as we should, and providing competent instructors, we shall raise up the flower of our youth to the study and practice of that science, which will promote a love for their government and a zeal for the honor of their State.

F. W. HOPKINS,  
*Adjt. and Insp. Gen.*

His Ex'y Wm. SLADE,  
*Governor of Vermont.*

Oct. 29, 1845.

## REPORT

OF THE SELECT COMMITTEE TO WHOM WAS REFERRED  
SO MUCH OF THE GOVERNOR'S MESSAGE AS RELATES  
TO OUR CONNECTION WITH THE FEDERAL GOVERN-  
MENT, TEXAS, AND SLAVERY.

[REFERRED TO ON PAGE 100 OF THE JOURNAL.]

Your Committee, to whom was referred so much of the Governor's message as relates to our connection with the Federal Government, Texas, and Slavery, respectfully report :

That, in their opinion, the subject matter, to which the attention of the Legislature is called by the Governor in the portion of his message referred, is one of vast importance,—not merely to the general interests of the Union, and therefore requiring the notice of each member of the Union,—but, in particular, to Vermont, as one of the non-slaveholding States, and therefore calling specially for careful consideration on the part of her people and her Legislature, and for earnest remonstrance and untiring effort, if it be in fact true that the inviolability of the Constitution is threatened, the implied incidents and conditions of the Union abrogated, and an influence and extent given to the representation of the three-fifths of the slave population of the Southern States, which was never contemplated by the framers of the Constitution, and which would utterly destroy that balance between the representation of the North and the South, which we believe the Constitution contemplates.

That the exercise of the power of annexation of foreign states to our Confederacy, in the manner in which that power is attempted to be exercised by the Executive under the joint resolution of Congress, is an infringement of the power delegated by the individual States to the General Government, is a proposition which, in this State, and at this day, it is needless for us to demonstrate. It is shown by the fact that the conferring upon the Executive a *nominal* power, even, to carry into effect the plan of Annexation, could only be obtained by annexing to the resolution first offered, another, which provided for consummating Annexation by pursuing the *forms*, at least, provided for the transaction of matters of such grave moment,—and that the scruples, based upon constitutional law, of those who were willing to sanction the measure when provided for by treaty stipulations, forbade their sanctioning by their votes that same measure, when the *only* plan offered was the one

since acted upon. We think we are justified, then, in assuming that the measure, *in the manner in which it has been effected*, has not even received the sanction of a majority in Congress.

And, farther than this, the unconstitutionality of the Annexation of Texas is fully proved by the extent and scope of the very arguments adduced in support of the opposite doctrine. For the argument which attempts to demonstrate that the measure is compatible with the spirit, the provisions, and the general basis of the Constitution, equally demonstrates that the annexation to the Union, of California, Mexico, the South American Republics, Canada, the West India Islands, and so of each and every European country, is within the same spirit, and is equally consistent with the same provisions.

That the consummation of the Annexation of Texas will abrogate many of the implied incidents and conditions of the Union, and give to the provisions for the common welfare and defence of the States, and the incidents connected with the power of the Executive Department of the Government, an extent never contemplated, and the bare supposition of which would have seemed incredible, almost, to the framers of the Constitution, we consider equally clear. It is shown, by the eagerness with which the measure has been pressed forward by the slaveholding States, and by the fact that the preponderance alone of votes based upon slave representation carried the measure, that it is deemed by the South a measure to be consummated, even at the hazard of disunion. The *dread of disunion*,—a feeling which should, and will, do more to preserve the unity of our Confederacy than all else, will alone prevent that consequence from ensuing.

Not the least among the evils which must result from the consummation of Annexation, is the almost unlimited extent which will thereby be given to the power and patronage of the Executive. That power has increased, and grown with the growth of our country, until it has attained an extent and influence sufficient to corrupt those apparently the most incorruptible. But, by the Annexation of Texas, the exercise of that power will be extended over new States, and under circumstances requiring more and more the exercise of discretionary powers, and at the most dangerous time for its exercise in the spirit of integrity and uprightness;—for this alarming addition is made at a time when our Government has degenerated to a government of party, and that party acting under the baneful influence of that dogma in modern political creeds—“The spoils of office belong to the victors.”

Again, if the State of Vermont does her duty as a member of the Confederacy, she will protest, to the utmost of her ability, against the Annexation of Texas to the Union, as a measure directly inconsistent with the declared object of the Union, as set forth and manifested in the Constitution. The object of the establishment of the Constitution was declared to be “to promote the general welfare, and to secure the blessings of *liberty* to ourselves and our posterity;”—and this was based upon, and was a practical application of, the doctrine of the Declaration of Independence, which declared, as a *self-evident* truth, “that all men are created equal, that they are endowed by their Creator with certain inalienable rights; that among these are life, *liberty*, and the pursuit of happiness.” The deliberate adoption, then, by the people of the United States, of any measure so directly calculated as is the Annexation of Texas to promote the extension of Slavery, and the consequent curtail-

ment of those rights of man which they have deliberately declared to be inalienable, would be utterly at variance with their declared doctrines and their duty. As a Confederacy, formed for the avowed purpose of extending liberty, and the blessings of freedom, it is our duty to do every thing in our power to curtail the limits of slavery. We should be derelict to this duty, if we failed to protest, earnestly, and with our might, against the consummation of the Annexation of Texas to our Union.

Yet we believe this subject should be cautiously and temperately approached, and fully examined and discussed, prior to the adoption of any measures calculated in the slightest degree to weaken the fabric of our Union. There is a point beyond which submission becomes almost a crime. Yet we should be sure that that point is attained, before we array ourselves, by word or act, against that Union, which, in times past, has been our glory and our safety. The Annexation is not yet consummated. There yet remain important acts for Congress to perform. And we trust that an overruling Providence will yet interpose, to prevent that which would be a national wrong, as well as a national shame. As upholders of the supremacy of law, we can but take such measures for the expression of our views, as the law will sanction; and we should, therefore, as a State, make ourselves heard, and exert all that influence which our position gives us in Congress, in opposition to any further measures being taken, which shall consummate what has been commenced, and fix that as the settled policy of the country, which is now but in its inception.

Your Committee recommend the adoption of the following resolutions:

*Resolved*, by the Senate and House of Representatives of the State of Vermont:

That, in the name, and behalf of the people of the State of Vermont, we do protest against the Annexation of Texas to the United States; as a measure inconsistent with, and in direct hostility to, the Constitution of the United States, and fraught with the most serious danger to the well being, the integrity and the existence of the Union.

*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use their utmost exertions and influence to prevent the consummation of the measures now commenced for the purpose of effecting such Annexation, and that his Excellency the Governor be requested to transmit a copy of the foregoing resolutions to each of our delegates in Congress, and likewise a copy to each of the Executives of the several States in the Union, to be laid before the first meeting of their respective Legislatures.

B. BILLINGS, for Committee.

## MESSAGE FROM THE GOVERNOR,

### RELATING TO CLAIMS OF THIS STATE UPON THE GOVERNMENT OF THE UNITED STATES, FOR EXPENSES INCURRED DURING THE REVOLUTIONARY WAR.

[REFERRED TO ON PAGE 102 OF THE JOURNAL.]

*To the Senate:*

I have received a communication from Henry Stevens, Esq., relative to the collecting of papers illustrative of the early history of the "New Hampshire Grants," which I herewith transmit to the Senate, for the use of the General Assembly. Mr. Stevens was appointed in 1841 to investigate the facts touching a supposed claim of this State on the government of the United States, for expenses incurred in the revolutionary war; and, in the prosecution of his inquiries, discovered numerous papers connected with our early history, as appears by reports made by him to the General Assembly in 1842 and 1843, and by a report made to me at the last session, by a Committee appointed by my predecessor to examine the papers collected by him.

The communication herewith sent, refers to various papers which Mr. Stevens deems it important to obtain in order more fully to illustrate the history of "The Grants," and for defraying the expense of procuring which he asks an additional appropriation.

He has also collected sundry manuscript papers connected with the early administration of the government of this State, which he deems it important should be bound in volumes for preservation and the convenience of future reference.

He also suggests the propriety of arranging the files and records of the Supreme Court, of the date of 1778, and for several subsequent years, the preservation of which he deems important to a correct knowledge of the early judicial history of the State.

The subject of collecting and preserving the papers connected with the early and extraordinary history of this State, is one of great interest. Other states have made similar collections; and a very valuable and extensive collection, forming a documentary history of the Colonies of North America, is in the process of publication by the United States—several volumes of which are in the State Library. Such collections are of great importance for the purposes of history. It is obvious, however, that much care and judgment are requisite in making selec-

tions from the materials which will be disclosed upon a search for the papers of revolutionary times.

I transmit Mr. Stevens's communication for the information of the General Assembly, and such action thereon as the subject may, in its wisdom, seem to demand.

WILLIAM SLADE.

EXECUTIVE CHAMBER, }  
November 1, 1845. }

### HENRY STEVENS'S REPORT.

*To His Excellency the Governor of the State of Vermont:*

Having been appointed by your predecessor a Commissioner to investigate the facts, and ascertain whether this State has a just claim upon the Government of the United States for expenses incurred during the Revolutionary War, my first Report was made October, 1842; my second Report, October, 1843. These Reports, with such documents as I had then collected, were referred to a Committee who reported to your Excellency, and by your Excellency were transmitted to the General Assembly, October, 1844.

Permit me to call the attention of your Excellency to said former Reports, so far as relates to important Documents being discovered, and the necessity of procuring copies. These Documents relate to particular Historical Incidents connected with the early history of this State.

The controversy with New York, from A. D., 1764, to May 10th, 1775, is first in importance. Documents in relation to this subject have been recovered, so far as can be reasonably expected to be found in this country. There are, however, Documents in Her Majesty's State Paper Office in London: The Correspondence of the Agents of the Green Mountain Boys and their Attorney: The Correspondence of the Governor of New York and the Agent of New York in relation to the New Hampshire Grants: The Correspondence on the part of the Governor of New York, with the Governor of Canada, soliciting Military aid, in order to subdue the Green Mountain Boys, A. D. 1772 to 1775: The Correspondence of the Governor of Canada, from 1769 to May, 1780, in relation to the New Hampshire Grants.

Most of the Correspondence between the leading men in Vermont and the Commanding General of Canada, from May 1780, during the Revolutionary War, had been recovered, but not all.

Your kind letter of introduction to Hon. Edward Everett, American Minister then in London, was in due time forwarded to my son Henry, and by him was delivered to Mr. Everett, on the 21st of July last. Mr. Everett received him with kindness, and entered warmly into his undertaking, and the next day, being fully acquainted with his desires, wrote to the Earl of Aberdeen, and solicited permission for him to make certain examinations of the Public Archives in Her Majesty's State Paper Office, and on the 31st he had the pleasure of receiving a note from Mr. Everett enclosing a copy of his letter to Lord A. and his Lordship's reply, granting him the required privilege of examining the manu-

scripts. I wish to establish the fact that this State existed independent of any of the thirteen United States, and not accountable to them or their representatives, for liberty, the gift of the beneficent Creator; having existed as an entire Corporation or body politic, before the union or confederation of the other States; the first Association and elect Body Politic on the Continent upon the then Revolutionary establishment; and therefore did not belong to the Confederacy. Again, there is much interesting correspondence between the leading men in this State and General Washington, General Lincoln, General Gates, and other officers, as well as distinguished individuals, which go to show the part that Vermont took at the most critical period of the American Revolution, commencing July, A. D. 1780. This correspondence goes to show the grand policy which the leading men of Vermont were desirous of pursuing, and which on the 26th of October, 1780, was fully determined upon, in a letter to General Carlton. This communication was favorably received and answered by the British General. This, with other correspondence, was forwarded to the Commanding General of the American Army.

Early in the Campaign, A. D. 1781, while Lord Cornwallis's troops were ravaging the inhabitants of nearly the whole territory of the Southern Department, the Commanding General of the American Army became well satisfied that the Green Mountain Boys were not only able, but determined to give full effect to the policy they had adopted.

I believe I am fully justified when I say that the leading men in this State satisfied General Washington that several Regiments of the Continental troops could, with safety, be ordered from the Northern to the Southern Department, and that General Benjamin Lincoln be required to take command in the Southern Department. Washington ordered Lincoln and said Regiments to the Southern Department, and General John Stark to take command in the Northern Department.

Washington, in his letter to General Stark, June 25th, 1781, says: "Upon finding it necessary for the operations of the Campaign, to recall the Continental troops from the Northward, I have ordered 600 Militia from the counties of Berkshire and Hampshire to that quarter."

"I am induced to appoint you to this command, from your knowledge and influence among the inhabitants of that country. I rely upon it, you will use your utmost exertions to draw forth the force of the country from the Green Mountains and all contiguous territory, and I doubt not your requisitions will be attended with success, as your personal influence must be unlimited amongst those people at whose head you have formerly fought and conquered with so much reputation and glory."

Lincoln took command in the Southern Department,—Stark in the Northern. It was the adopting this policy that brought the Campaign of 1781 to so favorable an issue.

The Green Mountain Boys may say that their favorite General, Lincoln, upon their recommendation, received the sword of the British General, Lord Cornwallis, at the time of his surrender.

It is due to our Revolutionary Patriots and Fathers that the correspondence alluded to be secured.

While we speak of the exploits of the Green Mountain Boys in the Campaign of '75, '76, and '77, we can now speak of the important services rendered the American Colonies in the Campaigns of A. D. 1780 and 1781. These services cannot at this particular period be too highly appreciated.

The report of said Committee in relation to the collection of Manuscripts made by me, transmitted to your Excellency in October last, recommended an annual appropriation in order to complete said collection in relation to the part Vermont took in the Revolutionary war, and to complete copying into a book certain Rolls and Vouchers of Military service lately discovered. An appropriation was made not to exceed one hundred dollars. It is found that said sum is insufficient to complete the collection as recommended by said Committee and your Excellency to the Assembly.

I herewith transmit to your Excellency, two volumes of General Hal-demon's Correspondence, lately received from London.

I made known to said Committee many interesting documents remaining in the State Departments of our sister neighboring States, as well as in the hands of individuals, which ought to be procured. It was thought that copies could be procured through the Post Office. This, however, in a great measure, is found to be impracticable.

The past year I have made such collections of documents as I could, through the Post Office. In examining the manuscript papers in the old military chest, containing the Vouchers, I have found orders drawn on the Treasurer from the origin of Government in this State, to A. D. 1792. These several Vouchers I have classed as follows:

First—Pay Rolls, and all orders drawn on the Treasurer for Military service, and expenditures connected therewith.

Second—Debentures of the Assembly and Council, including all Vouchers pertaining to each year's expenditures, commencing March 12th, 1778, ending 1792.

Third—All documents connected with confiscated estates.

Fourth—Debentures of Supreme Court, and their orders drawn on the Treasurer, commencing A. D. 1778 to 1792.

Fifth—Miscellaneous papers containing historical facts of importance.

I do earnestly recommend that a small appropriation be made for the binding of the manuscript papers into suitable volumes, with an index to each. I further recommend that all manuscript papers in the State Department, previous to the time that Vermont was admitted into the Union, be properly arranged and bound.

These manuscript papers contain many important facts as to establishing Government in this State, and its administration, from 1775 to 1792. The manuscript papers formerly pertaining to the Treasurer's Office, and papers belonging to the State Department from A. D. 1775 to 1792, will make from 30 to 40 volumes.

I also recommend that the Pay Rolls and Vouchers in the State Department, which go to shew Military service during the Revolutionary War, be carefully examined, and a statement be made of the name of each individual who served six months or more, during said War, in this State. It appears to me to be a duty we owe to those Revolutionary Patriots, their Widows, and Heirs, that they be furnished with this information free of charge.

Permit me also to recommend the importance of arranging the Files, Dockets, and Records of the first Supreme Court of this State, A. D. 1778, and so on, for several years, now deposited at Rutland. These papers are the property of the State. The early history of the Judiciary of this State can never be written with accuracy, without these Files and Records.

The first law of this State, March 13th, 1778, provides : "That no man's life shall be taken away ; no man's honor or good name stained ; no man's person shall be arrested, restrained, banished, dismembered, nor in any way punished ; no man shall be deprived of his wife or children ; no man's goods or estate shall be taken away from him, nor in any way endamaged under color of law, or countenance of authority, unless it be by virtue of some express law of this State, warranting the same, established by the General Assembly, or in case of the defect of such law in any particular case, by some plain rule warranted by the Word of God."

Cases did occur wherein the Supreme Court did decide, and caused a record to be made "warranted by the Word of God." The acts of the General Assembly of this State, March, June, and October, 1778, were never recorded. The several laws were copied and distributed to organized towns, and all public officers. Most of these laws have been recovered.

Notwithstanding the Report of the Hon. Committee, made to your Excellency last year, against this State presenting their claim for Revolutionary expenditures, I earnestly recommend that measures be taken to cause a further consideration of this important subject.

The collection made the past year adds much to the previous collection in connection with this subject.

All which I submit to your Excellency's consideration.

HENRY STEVENS.

## ANNUAL REPORT OF THE QUARTER MASTER GENERAL.

[REFERRED TO ON PAGE 102 OF THE JOURNAL.]

QUARTER MASTER GENERAL'S OFFICE. }  
Montpelier, Oct. 30, 1845. }

SIR:

My Annual Report to your Excellency has been unavoidably delayed, in consequence of my absence from the State. There has been so little change, however, during the past year, in the disposition of the Public Military Property, that a statement of the situation of it would be almost identically the same as that submitted at the last session of the Legislature. I have issued no arms to Uniformed Companies since the date of my last Report, though I am unofficially informed that one or two quotas, of ninety or one hundred stands, have been distributed by the Adjutant and Inspector General. With this exception, the arms and other Public Military Property remain precisely as they were at the close of the year 1844; and I take the liberty to transmit to your Excellency the statement which accompanied my Report for that year, as furnishing the best, and (in consequence of the extensive neglect of the several Regimental Quarter Masters to make the Reports required by law, to this Office) the only information in my possession respecting "the situation and disposition" of that property.

I have received returns from no Regimental Quarter Masters, excepting those of the First, the Fourteenth, the Nineteenth, the Twentieth, and the Twenty-Sixth Regiments; leaving twenty-two Regiments unreported. These returns disclose no new facts respecting the condition of the public property; and while the fidelity of these five Quarter Masters, (Messrs. Matteson, Conant, Tabor, Currier, and Banks,) is unquestionably most praiseworthy; the neglect of prescribed duty into which the others have fallen, however censurable it may be deemed, can scarcely excite surprise, when it is remembered that the inconsiderable compensation which the State granted for their services in inspecting the public property within their several regiments, and in making the returns to this Office, has been wholly taken away. It was easy to anticipate the effect of this proceeding, and the result has completely fulfilled the anticipation. The public is no better served without compensation, than the individual.

The radical change in the militia system of the State, effected by the law of 1844, left an amount of the public military property, large in

*quantity*, but by no means of corresponding importance and value, in the possession of the several disbanded companies of the enrolled militia of the State. I am aware that, without any unauthorized exercise of authority, I might have caused this property to be collected. But I have felt myself restrained from pursuing this course from two principal considerations : In the first place the State has no Arsenal in which they could be deposited for safe-keeping, and, as I apprised your Excellency in my last Report, the permission granted to this State by the General Government, to place a specified amount of public property in the United States Arsenal at Vergennes, for storage, has been already very considerably exceeded. In the second place, though to collect this property is made the duty of the Quarter Master General, I have refrained from exercising it, because it would necessarily be attended with no inconsiderable expense to the State ; and, as no damage to the property thus dispersed could be reasonably apprehended from the delay, I have preferred to await the instructions of the Legislature, or such an expression of their wishes, in the premises, as is always *agreeable*, to say the least, to a public officer upon whom devolves the unpleasant duty of disbursing the public money. A portion of this property, consisting of books of records, tactics, &c., is, without doubt, of very little value ; while another portion, such as musical instruments, flags, &c., should, unquestionably, be collected and preserved. I do not permit myself to doubt that, either from your Excellency, or from the Legislature, such instructions will be communicated to this Department as the public interest may seem to demand, and as will relieve the Quarter Master General from any imputation of *unnecessarily* exercising his official authority.

I have the honor to be,

Your Excellency's ob't serv't,  
D. W. C. CLARKE,  
*Q'r M'r General.*

His Ex'y WILLIAM SLADE,  
*Governor and Commander in Chief, &c. &c.*

Kept by Directors of Co.

90

1 In bad order.  
1 Kept by Capt. of Art. Co.

1

SEVENTH,  
Eighth,

## APPENDIX.

| REGIMENTS.   | ORDNANCE. | MUSKETS. |                                          |         | RIFLES.                                 |         |                                   |
|--------------|-----------|----------|------------------------------------------|---------|-----------------------------------------|---------|-----------------------------------|
|              |           | Number.  | Condition,<br>and<br>Where kept.         | Number. | Condition,<br>and<br>Where kept.        | Number. | Condition,<br>and<br>Where kept.  |
| NINTH,       |           | 90       | { Good order.<br>Kept in Armory.         | 80      | { Good order.<br>Kept in Capt's. house. | 80      | Good order.                       |
| TENTH,       |           | 79       | { Tolerable order.<br>Kept by Directors. | 90      | { A little rusty.<br>Kept by Directors. | 90      | Kept in Capt's. house.            |
| ELVENTH,     |           | 1        | Pretty good order.                       | 80      | Good order.                             | 80      | A little rusty.                   |
| TWELFTH,     |           | 1        | Pretty good order.                       | 53      | { Poor order.<br>In Capt's possession.  | *       | Kept by Directors.                |
| THIRTEENTH,  |           | 1        | Pretty good order.                       | 89      | Good order.                             | 60      | In Capt's store.                  |
| FOURTEENTH,  |           | 1        | Pretty good order.                       | 80      | No return.                              | 60      | Good order.                       |
| FIFTEENTH,   |           | 1        | Pretty good order.                       | 90      | Good order.                             | 82      | No return.                        |
| SIXTEENTH,   |           | 1        | Pretty good order.                       | 90      | Good order.                             | 92      | Good order.                       |
| SEVENTEENTH, |           | 1        | Not clean.                               | 90      | { Good order.<br>Kept by E. Foster.     | 50      | Good order.                       |
| EIGHTEENTH,  |           | 1        | Pretty good order.                       | 90      | Not good order.                         | 90      | { Kept by E. Leys.<br>Good order. |

## REMARKS.

\*37 Rifles burnt in Keith and Sax's store, where they had been placed for safe keeping.

†1 Rife burnt with the house in which it was.

There is no public property in the Rifle Regiment, excepting the usual number of Records, Laws, &c.

ments are generally  
a, and are kept in the  
who use them.

|              |   |   |   |   |  |
|--------------|---|---|---|---|--|
| NINTH,       | 4 | 7 | 3 |   |  |
| TENTH,       |   | 1 | 1 | 1 |  |
| ELEVENTH,    |   | 3 | 3 | 4 |  |
| TWELFTH,     |   |   |   |   |  |
| THIRTEENTH,  |   |   |   |   |  |
| FOURTEENTH,  |   |   |   |   |  |
| SIXTEENTH,   |   |   |   |   |  |
| SEVENTEENTH, |   |   |   |   |  |

There are in the hands of  
Johnson, President of Novo  
Sao Joao, Universidade  
of Rio de Janeiro, Brazil,  
and Warder, Misra, et al.  
The author is indebted to  
Dr. J. R. D. P. da Cunha  
for his help.

## RECAPITULATION.

|                                                                              |  |      |
|------------------------------------------------------------------------------|--|------|
| Muskets in the U. S. Arsenal,                                                |  | 4219 |
| Muskets in the several Regiments, as returned to the Quarter Master General, |  | 2097 |
| Muskets in the hands of Maj. Gen. Nason,                                     |  | 130  |
| Muskets in the hands of Maj. Gen. Ransom,                                    |  | 60   |
| Muskets in the State Prison,                                                 |  | 72   |
| <br>Whole number of Muskets belonging to the State,                          |  | 6578 |
| Rifles in the U. S. Arsenal,                                                 |  | 232  |
| Rifles in the several Regiments,                                             |  | 1535 |
| <br>Whole number of Rifles,                                                  |  | 1767 |
| Pistols in the Arsenal, with implements, &c.,                                |  | 100  |
| Sabres in the Arsenal, with the implements, &c.,                             |  | 100  |

## ORDNANCE IN THE SEVERAL REGIMENTS.

| <i>Brass.</i>     |   | <i>Iron.</i> |    |
|-------------------|---|--------------|----|
| 3 Pounders,       | 1 | 4 Pounders,  | 4  |
| 6 Pounders.       | 3 | 6 Pounders,  | 11 |
| <hr/>             | 4 | <hr/>        | 15 |
| Total, 19 pieces. |   |              |    |

All which is respectfully submitted.

D. W. C. CLARKE,  
*Quarter Master General.*

QUARTER MASTER GENERAL'S OFFICE, }  
*Brandon, October 1, 1844.* }

## REPORT AND RESOLUTIONS

### OF THE MINORITY OF THE SELECT COMMITTEE RAISED ON SO MUCH OF THE GOVERNOR'S MESSAGE AS RE- LATES TO THE ANNEXATION OF TEXAS, &c.

[REFERRED TO ON PAGE 104 OF THE JOURNAL.]

The undersigned, a minority of the Committee to whom was referred so much of the Governor's Message as relates to our connection with the Federal Government, Texas and Slavery, respectfully reports :

That after mature deliberation upon the subjects embraced in that portion of his Excellency's Message referred to said committee, and as much examination of the same as his other duties would permit him to bestow upon them, he has not been able to coincide in the argument or to assent to the conclusions of the majority of the committee, as set forth in their report. The undersigned therefore begs leave to state briefly the views entertained by himself upon the subjects embraced in that portion of his Excellency's Message above referred to, and the reasons of his dissent from the conclusions of the majority of the Committee.

The time which the undersigned has been able to give to the consideration of this subject has been altogether too limited to enable him to go into anything like a general discussion of the vast number of matters connected with it, and inasmuch as the benefits, or evils of the annexation of Texas to the United States (which is the matter mainly discussed by his Excellency, and by the majority of the Committee), are so soon to be felt and practically realized, mere theorizing and speculation upon the subject becomes comparatively unprofitable. The argument of the above mentioned portion of his Excellency's Message, and the report of the majority of the Committee, are mainly directed to the unconstitutionality of the measure of annexation, and the conclusion of both is, that the Constitution does not warrant it. Were the question new, and this the first time in the history of this Government that the question had arisen whether Congress possesses the power to incorporate into the Union territory not originally belonging to it, the undersigned entertains no doubt but that it might rightfully and constitutionally do so.

But the question is not new, and the undersigned does not regard the question, at this period in the history of our nation, as open to discuss-

sion, since the acquisition of the immense territory of Louisiana and the Floridas, which has been recognized and acted upon by every department of the Government.

The acquisition of Louisiana, as an authority upon this question, derives additional weight from the fact that it was so soon after the formation of the Constitution, as to have been participated in by many of the framers of that instrument, and it was consummated under the auspices, and during the administration of one of the most prominent of them, and a man who is at this day admitted by all, to have been one of its soundest and ablest expounders.

The repeated attempts on the part of our Government in former years to secure the annexation of Texas to this nation, especially during the administration of John Quincy Adams, through Mr. Henry Clay as Minister of State, go strongly to show that it was then considered by those eminent statesmen as no violation of the Constitution.

It is also argued by his Excellency, and by the majority of the Committee, that the measure is unconstitutional, because slavery exists in a portion of the States composing the Union, and in the country proposed to be annexed; and it is also urged that the framers of the Constitution could not have anticipated any extension of territory having slave population, at the time of fixing the ratio of representation, as it might disturb the equilibrium between the free and slave States.

The undersigned, in common with men of all parties at the North and many at the South, regards the institution of Slavery as a moral and political evil, and deprecates its existence in the nation, and desires as ardently as any one can do, to see it abolished by any proper and constitutional means; but at the same time, he is entirely unable to perceive any connexion between that institution and the question of annexation, so far as regards its *constitutionality*.

If the question of Slavery is to be brought into the discussion at all, it should only be as to the *expediency* of the measure.

It is undoubtedly true that at the time of the formation of the Constitution, it was hoped and believed that the institution of Slavery would be of but short duration, and hence it did not enter the minds of those men who framed it, to provide for, or preserve, any equilibrium between free and slave states or territory, and the very existence of that opinion, although erroneous, clearly shows that the framers of the Constitution had not that matter in mind when they provided for the admission of new States into the Union.

An objection is also made to the *form*, under which the measure of annexation is proposed, that if Texas is annexed at all it should be in *treaty* form, and not in the manner proposed by the Resolutions adopted by Congress at the last session; and to further this objection, it is said that those Resolutions were adopted only by adding the last, which provided that it might be done by *treaty*, if the President should so elect.

The undersigned has not been able to bring himself to believe that the mere *form* under which annexation should take place is very important, provided the Constitution authorizes it, and does not directly point out any particular manner in which it shall be done. And if the object be merely to get the voice of the nation upon the subject, the mode adopted would seem to be preferable to the other, as thereby the measure receiv-

ed the approbation of both branches of Congress, whereas a treaty for the same purpose would receive the assent of the Senate only.

That the Resolutions were adopted merely by adding the last to silence constitutional scruples, can hardly be true, as it was expressly provided that it might be done in either form, and it would seem to be strange that any man could be found in Congress who would vote that it might be done agreeably to the Constitution, or in a manner not agreeable to the Constitution, as the President should direct.

The last resolution was added undoubtedly to remove any difficulty in the way of carrying out the measure of annexation, as a matter of mere expediency, and not for the purpose of allaying any constitutional scruples in the mind of any member of Congress.

It is also urged by the majority of the Committee, that the preamble to the Constitution of the United States, in declaring the objects of the Union to be "to promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity," bears a construction unfavorable to the annexation of Texas.

It has been our boast, that our frame of government was the most congenial to liberty of any in the civilized world, and that under it, civil liberty was better protected and more fully enjoyed than under any other. If we are sincere in this, and if it be true, is it not more in accordance with the spirit of the above extract from the preamble of the Constitution to endeavor to enlarge, by all rightful and peaceful means, the area of freedom as much as possible, and confer the blessings of free and enlightened government to a still wider extent, than to selfishly confine these blessings to ourselves alone?

These suggestions are peculiarly forcible, when we remember that much the largest portion of the present inhabitants of Texas are emigrants from the United States, born and educated under our government, and thoroughly imbued with the principles of civil, republican liberty.

Without further discussing the question of constitutionality, the undersigned would merely add, that in his opinion the adoption of such conclusions as his Excellency, and the majority of the Committee, have come to upon this subject, would be most disastrous to the welfare of the Union, and entirely subversive of the same, and that the most ardent wish of the greatest enemy of this Union would be fully answered could such sentiments come to be generally entertained. If their conclusions be correct, there are many of the states which have for a great number of years been treated and considered as members of the Federal Union, such no longer, and this great national confederacy exists only by mutual suffrage. Such doctrines would seem to be too appalling, and too fearful in their consequences, to meet with favor at the hands of any lover of his country.

But if the annexation of Texas can be accomplished without violating the Constitution, is it expedient? Against its expediency two objections seem mainly to be urged by his Excellency, and by the majority of the Committee.

First, That it will tend to strengthen the slave-holding portion of the Union, to the detriment of the non-slave-holding portion.

Second, That it is unjust to the Republic of Mexico.

Let us then for a moment consider the effect of the measure upon the institution of Slavery, and what effect would probably be produced by it.

If Texas becomes a part of this Union, she of course becomes subject to the law of Congress making the foreign slave trade piracy, and any increase to the present small number of slaves within her limits, must be from the United States, and therefore as much as the slave population is thus increased there, just so much must it be diminished within the limits of the present Union.

In relation to this subject, two facts are incontrovertible. First, That slave labor can be much more profitably employed in Texas than in any portion of the United States, in consequence of the greater fertility of the soil, and its better adaptation for all the products of slave labor. Second, That slave labor in all the more northern slave states, has become in fact wholly unprofitable, so much so, that many individuals owning large plantations and large numbers of slaves, are obliged almost annually to sell a portion of their slaves, to procure the means to support the remainder. Hence the strongest of all laws, that of self-interest, would seem to require that the slave population of the northern slave states, in the event of annexation, should be removed to this new country, where vacant lands are abundant and cheap; and it is no mere vision of fancy to presume that in the course of a very few years, so much of the slave population will be removed that several of the present northern slave states will become free, and thus the balance of power between the two sections of the Union be fully preserved. But whether these expectations will be realized or not, the undersigned believes that he may at least, with safety, adopt the language of a very distinguished statesman, and one well acquainted with this subject, and say: "That the subject of slavery ought not to affect the question, one way or the other. Whether Texas be independent, or incorporated into the United States, I do not believe it will prolong or shorten the duration of that institution. It is destined to become extinct at some distant day, in my opinion, by the inevitable laws of population, and it would be unwise to refuse a permanent acquisition, which will last as long as the globe remains, on account of a mere temporary institution."

But is it true that the measure is unjust towards Mexico, and has she any right to complain? It is now nearly ten years since Texas threw off her allegiance to the Mexican Government, and declared herself independent, and from that day to this has maintained her independence against the power of Mexican arms. And it is now several years since her independence was acknowledged by this Government and several others of the principal nations of the world.

If Mexico had the will and the power to re-possess herself of her revolted province, she has had ample time and opportunity to do so, and neither the law of nations nor the law of nature require that Texas should always be treated as a Mexican province, because she was once so. After having been independent *de facto*, for ten years, Mexico has no right to complain if other nations treat her as "of right, free and independent."

In addition to the foregoing observations in reply to the objections which have been urged against the measure, the undersigned begs leave to suggest a very few of the reasons, why he believes it expedient to annex Texas to this Government.

It is well understood that for a great number of years the United States have been the great producers of cotton for the world. It is also as well understood that for a long time past, Great Britain has

been endeavoring to make some shift to supply her manufacturers with that great staple, without being dependent upon the product of the United States. For this purpose, cotton raising has been attempted in her East India possessions, and in other places; but all these efforts and schemes have signally failed. As a last resort, she turned her eyes upon Texas, and hence has arisen that feverish anxiety on the part of that Government to prevent the annexation of Texas to the United States.

By having Texas remain independent, and with a reciprocal treaty between her and Great Britain, Texan cotton would drive that of the United States out of the British market, and British manufactures, in turn, would supply the Texan market to the entire exclusion of those of the United States.

If our present system of restrictive duties is to be kept up (as it undoubtedly will be to some degree), the acquisition of Texas must necessarily be of incalculable advantage to the manufacturers and producers of the north, as her great and growing demand must necessarily be supplied by the people of the northern States to the exclusion of foreign goods.

As a measure, then, of mere pecuniary advantage, it commends itself strongly to the enterprise and desire of honest gain, for which the people of New England are especially celebrated.

Any person will discover, by a glance at the map of the northern part of this continent, that geographical symmetry demands that Texas be annexed to the United States, and all men of military science agree that in a military point of view the defence of this country requires in us the possession of that territory.

It seems also to be well understood that Texas, even if able to maintain her independence in name, can only do so by becoming by treaty stipulations a mere dependency of some more powerful government; and what government that would be, her own situation and productions and the already expressed anxiety of Great Britain to prevent the measure of annexation, fully disclose. And shall we be stolid enough to deprive ourselves of the British market for our cotton and the Texan market for our manufactures?

Texas is admitted to be a country rich in the fertility of its soil and in all the other natural resources of wealth, and that, under the auspices and genial care of this government, it would soon become a fruitful source of wealth and power to us as a nation. Why, then, should we refuse to receive her to our embrace, as another member in this great family of States? The undersigned, upon a full view of this subject, is irresistibly impelled to the conclusion that every reason exists in favor, and none against, the measure of annexation; and the voice of the nation has already been sounded in its favor.

But his Excellency emphatically asks, "In case the measure be consummated, what shall Vermont do?" The undersigned, for himself, has no hesitation as to what is now the interest and duty of Vermont in this matter, or as to what will be her duty after the measure shall have been fully carried out. It is simply to do all in her power, through her representatives on the floor of Congress, to consummate the measure, and when it shall be carried through, to be the first to meet her new sister at the very threshold, greet her with kindly welcome, and rejoice at the

extension of those great principles of civil liberty, which are so well enjoyed and produce such incalculable good within her own borders.

The undersigned, therefore, submits the following resolutions and recommends their adoption :

*Resolved*, by the Senate and House of Representatives of the State of Vermont :

That the annexation of Texas to this Union, as proposed by the joint resolutions of Congress at the last session thereof, is a measure strictly in accordance with the letter and spirit of our constitution of National Government, and in strict accordance with the practical construction which the same has received since the earliest period of our history as a nation.

*Resolved*, That the annexation of Texas to the United States is a measure highly advantageous to the Union at large, and especially to this section thereof, and that the tendency of the same will be to perpetuate our free government and our free institutions.

*Resolved*, " That the measure of annexation ought not to be affected by the question of Slavery, and that it would be unwise to refuse a permanent acquisition which will last as long as the globe remains, on account of a mere temporary institution."

*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use their utmost exertions and influence to consummate the measures now commenced for the purpose of effecting such annexation ; and that his Excellency the Governor be requested to transmit a copy of the foregoing resolutions to each of our delegates in Congress, and likewise a copy to each of the Executives of the several States in this Union, to be laid before the first meeting of their respective Legislatures.

All which is respectfully submitted.

GEORGE MARSHALL.

## M E S S A G E

### FROM THE GOVERNOR RELATIVE TO SAMPSON'S INDEX.

[REFERRED TO ON PAGE 104 OF THE JOURNAL.]

*To the Senate:*

At the last session of the General Assembly, the following joint resolution was adopted :

"*Resolved, by the Senate and House of Representatives,* That the Governor be requested to appoint some person to make a digested Index of all such portions of the Revised Statutes passed in 1839, as have been repealed or altered, and all public acts of this State passed since said revision, with the public laws passed at the present session of this Legislature, and cause the same to be published, with the laws passed at this session. *Provided,* the whole expense of publishing, with compiling the same, shall not exceed one hundred dollars,—and provided it shall not cause a delay in the publication of the laws passed at the present session, of more than ten days."

In execution of the duty thus enjoined on me, I appointed Guy C. Sampson to perform the service contemplated in the resolution. Mr. Sampson prepared an Index, which was submitted to me, but which I decided not to cause to be published. For the making of this Index, Mr. Sampson now makes a claim on the State—alleging that it was improperly rejected. As this directly involves the question of my fidelity to the trust committed to me by the resolution, and as I hold myself, in an important sense, responsible for that fidelity, to the Senate and House of Representatives, under whose authority I acted in making an appointment to the service in question, I deem it my duty to transmit to one of the branches of the General Assembly, as I do, herewith, the rejected Index, and to request that it be preserved among its archives, as appropriate evidence touching the question of my fidelity to the trust in this case committed to me.

From the nature of the case, there would seem to be a necessity that the transmission of the Index should be accompanied by some explanation of the circumstances under which it was rejected, and a specification of its errors and deficiencies. Such specification, so far as I have examined the Index, I herewith send, and request that it may be preserved with the Index for future reference.

As the resolution directed me to cause an Index to be published, I, of course, expected that the Index to be prepared by the person appointed

to perform that service, would be submitted to me when completed ; and, as it was provided in the resolution, that it should be published with the laws of last session, and that its publication should not cause a delay in the publication of the laws, of more than ten days, I expected that it would be submitted to me in season for the needful examination before the time when the publisher of the laws was, by his contract, obliged to complete their publication, which was on the first of December.

Mr. Sampson, however, viewed the matter differently ; and, neglecting to send the Index to me, transmitted it to the Secretary of State, claiming that he was bound to cause it to be published as he had prepared it, and that after having made the appointment, the Governor had nothing further to do with the matter. The Secretary received the Index on the 27th of November, and on the 28th very properly sent it to me. Upon an examination of a portion of it, I found it so erroneous and defective that I could not take the responsibility of causing its publication ; and as there was not sufficient time before the first of December to return it to Mr. Sampson at Montpelier, for correction, and as its correction, in fact, involved the necessity of its almost entire reconstruction, causing, necessarily, a delay far beyond the first of December, I did not return it.

It only remains for me to say, that the defects and errors of the Index will appear upon a comparison of it with the laws, to which it purports to be an Index,—a part of which defects and errors I have pointed out in the explanation which accompanies it,—to which I respectfully refer the Senate, and by which it will be seen that they consist, mainly, of erroneous references to the years when laws were passed—of numerous defective and erroneous descriptions of enactments, and an omission of any reference whatever, to a great number of important sections of un-repealed laws, besides other errors not capable of being conveniently classified.

WILLIAM SLADE.

EXECUTIVE CHAMBER, }  
November 3, 1845. }

R E P O R T

OF THE BANK COMMITTEE ON THE MEMORIAL OF THE  
BANK OF MONTPELIER.

[REFERRED TO ON PAGE 114 OF THE JOURNAL.]

*To the Honorable Senate now in session :*

Your Committee, to whom was referred the memorial of the Directors of the Bank of Montpelier, beg leave to report, that they have had the same under consideration, and the following is the result of their inquiries and deliberations.

The various acts limiting the issues as well of the modern, as of the older banks in the State, are substantially the same in their phraseology, which admits of two constructions ; the one restricting their circulation to twice, or thrice, (as the case may be,) the amount of their respective capitals, and the other allowing an additional amount, equal to their deposits.

The 18th Section of the General Banking Law is as follows : " No such bank shall issue bills, or otherwise contract debts, to a greater amount than the amount of the deposits, and twice the amount of the capital stock actually paid in."

The construction heretofore put upon the language thus used, by the practice of the banks, sanctioned by all the Bank Commissioners, and all former Legislatures, so far as a knowledge of the fact without censure may be so construed, goes to favor the most extended limitation which the language admits.

But in view of the whole matter, your Committee think no Legislative action had better be had upon the subject. If there be any doubt as to the construction that should be put upon the language used in limiting bank issues, the Committee think, as individual rights and interests may, and probably have, become involved in the long practice of the banks, of predicated a part of their circulation upon their deposits, that the question should be left to the decision of the courts upon any case that may arise, without embarrassment from any Legislative interference ; and your Committee are the more ready to recommend this course, as the most liberal, and the most restricted construction which the phraseology of the acts referred to may admit, do not materially vary in importance, as the deposits in any bank in the State can never be very considerable in amount at any time, owing to our inland position, and the non-commercial character of our population.

We therefore conclude by recommending that no further action be had upon the memorial of the Directors of the Bank of Montpelier ; and that the Committee be discharged from the further consideration of the subject.

HARRY BRADLEY,  
ORAMEL H. SMITH, }  
WILLIAM SIAS, } Committee.

MONTPELIER, November 4, 1845.

## R E P O R T

### OF THE COMMITTEE ON MILITARY AFFAIRS, ON RESOLUTION DIRECTING THE GOVERNOR TO COLLECT STATE ARMS, &c., AND ON REPORT OF THE QUARTER MASTER GENERAL.

[REFERRED TO ON PAGE 114 OF THE JOURNAL.]

#### *To the Senate:*

The Committee on Military Affairs to whom were referred the Report of the Quarter Master General, and a joint resolution requesting the Governor forthwith to cause the property and funds pertaining to the Military Department to be collected, repaired and placed in the public Arsenal, or some other place of security, have had the same under consideration, and beg leave to submit the following Report :

It appears to your Committee, from an examination of the existing Militia Laws of the State, that ample provision is already made for the performance of the service which the Resolution proposes to assign to the Governor. By Sections 104, 251, 252 and 253 of the law passed Nov. 12, 1842, it is made the special duty of the Quarter Master General to provide for the collecting, cleaning, repairing and safe keeping of the military property of the State, and your Committee are not apprised that any complaint has been made that this duty has been, in any respect, improperly neglected. The Report of that officer, referred to your Committee, discloses the reasons why he has not felt himself called upon to cause the public property, in the possession of the numerous companies of the Enrolled Militia disbanded by the operation of the law passed at the last session of the Legislature, to be collected. Those reasons, being principally, the want of a Public Arsenal in which this property could be placed for safe keeping, and the expense which would be likely to result from this service, appear to your Committee to justify the course which the Quarter Master General has thought proper to pursue. The want of a State Arsenal for the preservation and secure keeping of the large amount of military property which is owned by the State, and which is annually increasing, is becoming a serious evil. That the Legislature will ultimately perceive the *necessity* of appropriating an amount sufficient for the construction of such an edifice—for which purpose it is probable that from \$3,000 to \$5,000 would be required—your Committee do not doubt. The present value of the military pro-

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erty of the State is not less than one hundred thousand dollars, and it is a description of property which requires careful attention to preserve it from rapid depreciation. Your Committee, however, do not propose to recommend any appropriation at the present session of the Legislature, though they deem the subject of such importance as to deserve serious consideration. That *some* steps should be at once taken, nevertheless, to furnish facilities for the storage and safe keeping of the military property of the State, cannot be questioned. Believing that the existing laws on the subject are amply sufficient to secure the proper management of this property, and that no public interest requires that any portion of the prescribed duties of the Quarter Master General should be assigned to the Governor, your Committee are of the opinion that the Resolution referred to them ought not to pass; and they recommend the adoption of the following:

*Resolved*, by the Senate and House of Representatives, That the Governor be requested to apply to the Secretary of War, for such an extension of the privilege granted to this State for storing munitions of war in the U. S. Arsenal at Vergennes, as will be sufficient to meet the existing wants of this State in that respect.

*Resolved*, That if such application should be successful, the Quarter Master General be directed to cause all the military property of the State, not lawfully distributed and held by the Militia, to be collected and placed in said Arsenal for repairs and safe keeping.

THOMAS T. BARRETT, *for Committee.*

## REPORT

### OF THE SELECT COMMITTEE ON THE LICENSE LAW.

[REFERRED TO ON PAGE 123 OF THE JOURNAL.]

*To the Hon. Senate now in session :*

Your committee appointed on the resolution relative to the operation of the License Law of 1844, and to whom was referred the bill entitled "An act to repeal all laws regulating the sale of spirituous liquors, wine, ale or beer, beg leave to report, that they have had said resolution under consideration, and have made inquiries under said resolution, so far as their limited time would permit. They find that in several of the counties in this State, Commissioners have been elected who were in favor of licensing to a limited extent, while in others Commissioners have been elected who have refused to grant any license other than for medicinal, chemical and mechanical purposes. In some of the latter counties there has been an acquiescence under the law, while in others there has been a strong opposition to the law, and its provisions have been rendered wholly inoperative.

From what your Committee have been able to learn, they are not of opinion that it would be expedient to repeal the law of the last session relating to licenses, but your Committee are of opinion that a right of supervision ought to be vested in the Commissioners, and that they should be empowered to annul any license by them granted, whenever the public good shall require it. They therefore report the accompanying bill and recommend its passage. Your Committee have also had the bill entitled "An act to repeal all laws regulating the sale of spirituous liquors, wine, ale or beer, under consideration, and are of opinion that the same ought not to pass. All which is respectfully submitted.

ORAMEL H. SMITH, *for Committee.*

R E P O R T  
OF THE SELECT COMMITTEE ON RECORDING REVOLUTIONARY PAPERS.

[REFERRED TO ON PAGE 126 OF THE JOURNAL.]

The Select Committee to whom was referred the resolution of inquiry as to the amount expended within the last four years for recording revolutionary pay-rolls and similar documents, and by what authority the same was paid out, &c., have had the subject referred under consideration, and submit the following report:

They find by resolution and other Legislative enactments, the Auditor has drawn orders on the Treasurer to pay Henry Stevens, Esq. the following sums:

|                    |                   |
|--------------------|-------------------|
| November 11, 1842, | \$ 860.97         |
| October 31, 1844,  | 318.99            |
| December 18, 1844, | 871.85            |
|                    | <hr/> \$ 2,051.75 |

Orders by the Auditor to pay C. L. Knapp,

|                   |                 |
|-------------------|-----------------|
| July 5, 1842,     | 90.00           |
| October 31, 1842, | 720.00          |
| November 1, 1842, | 39.00           |
|                   | <hr/> \$ 849.00 |

F. F. Merrill claims, and should be allowed,  
Order by Auditor on Treasurer to pay H. Stevens,

|                |             |
|----------------|-------------|
| Making in all, | \$ 3,146.01 |
|----------------|-------------|

Your Committee find some pay-rolls that have not been recorded with other papers which are not, in view of your Committee, of much importance to record. It appeared further to your Committee that there are documents relating to the early history of this State that would be desirable to have. Some of these documents are in the departments at Washington, New York, New Hampshire, Massachusetts, and Connecticut, and some in the hands of individuals. Also copies of correspondence with the Governor of Canada before the War of the Revolution and during the same.

Your Committee were also informed by Mr. Henry Stevens, that copies of said correspondence and other papers in *relation to the early history of Vermont*, can be procured from Her Majesty's State Papers in London, for a reasonable compensation.

There was not such information before your Committee as would, in their opinion, justify any considerable amount of expenditure for the above purpose, or for recording and arranging papers now in the hands of the Secretary of State, but would recommend that his Excellency the Governor of this State be authorized to expend a sum not exceeding one hundred dollars, in procuring such documents as he may deem of importance.

All which is respectfully submitted.

GEORGE T. HODGES, *for Committee.*

Montpelier, Nov. 5, 1845.



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